

LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,
COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 2d, A. D. 1883,

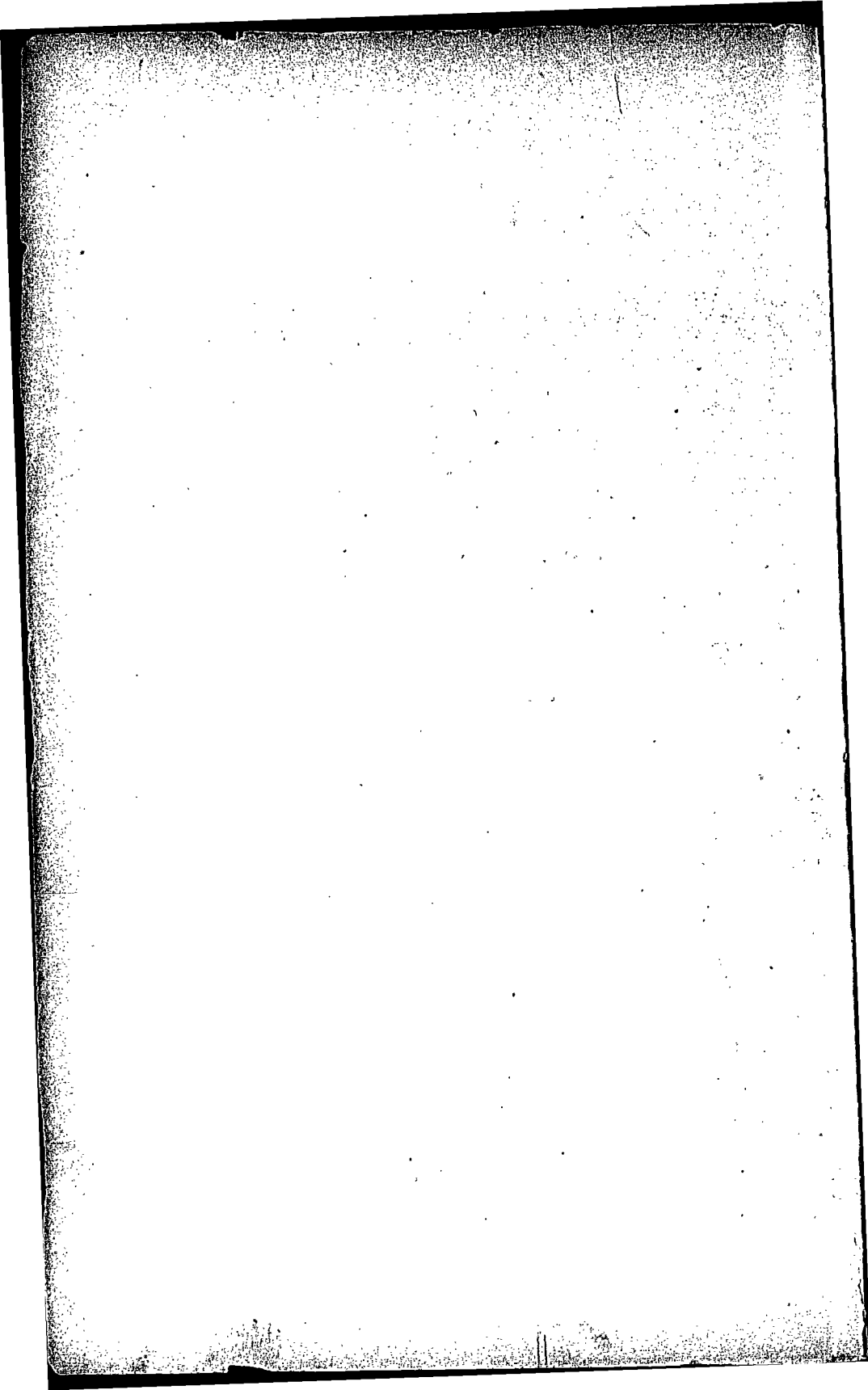
AND IN THE YEAR

OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND SEVENTH.

VOLUME XVII—PART I.

1883:

JAMES KIRK & SONS, PRINTERS,
DOVER, DELAWARE.



LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

AMENDMENT TO THE CONSTITUTION PROPOSED.

AN ACT to propose an Amendment to Section 17 of Article 2 of the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):

SECTION I. That the following amendment be and the same is hereby proposed to the Seventeenth Section of Article II of the Constitution of this State, as altered by an amendment proposed in and by an act passed April 3d, 1873, and ratified by an act passed January 28th, 1875, viz:

Amendment to 17th Section of Article 2 of the Constitution proposed.

Strike out of said Section 17, as altered and amended as aforesaid, the words following: "The Legislature shall have power to enact a general incorporation act to provide incorporation for religious, charitable, literary and manufacturing purposes, and for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made in such act or otherwise to limit or qualify the power of revocation reserved to the Legislature in this section."

Chapter 352, Volume 14. Chapter 1, Volume 15.

And insert in lieu thereof the words following:

"The General Assembly shall also have power, by concurrent vote of two-thirds of each branch thereof, to enact general laws providing for the creation of municipal or

Provision for General Incorporation Act.

CONSTITUTIONAL AMENDMENTS.

Exception. private corporations, excepting railroad and canal companies; *Provided* that the power of revocation in this section reserved shall apply to corporations created under general laws in the same manner and to the same extent as to those created by special acts of the General Assembly; *And provided, also*, that this amendment shall not affect any general incorporation acts heretofore enacted, nor any corporation created thereunder."

Secretary of
State to pub-
lish the
proposed
amendment
in two or
more news-
papers.

SECTION 2. That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment and this act, duly to publish the above proposed amendment and this act in two or more newspapers in this State, for the consideration of the people, at least three and not more than six months before the next general election of representatives in this State.

Passed at Dover, March 28, 1883.

CHAPTER 2.

AMENDMENTS TO THE CONSTITUTION PROPOSED.

AN ACT proposing Amendments to the Constitution for the purpose of Increasing the Number of Senators and Representatives in the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; (two-thirds of each house deeming it necessary and concurring, and by and with the approbation of the Governor):

Second and
Third Sec-
tions Article
2 Constitu-
tion amend-
ed.

SECTION 1. That the following amendments be and the same are hereby proposed to the Second and Third Sections of the Second Article of the Constitution of this State:

First, Strike out the third clause of the said Second Section reading thus: "There shall be seven Representatives chosen in each county, until a greater number of Representatives shall by the General Assembly be judged necessary;

CONSTITUTIONAL AMENDMENTS.

and then, two-thirds of each branch of the Legislature concurring, they may by law make provision for increasing their number," and in lieu thereof substitute and adopt the following, viz: "The House of Representatives shall consist of twenty-five members, eleven of whom shall be chosen from New Castle County, seven from Kent County and seven from Sussex County. *Provided*, that, of the eleven Representatives from New Castle County, four shall be chosen by the citizens residing in the City of Wilmington, and seven by the citizens residing in the residue of said county. At each biennial session of the House of Representatives, the person who was Speaker of the House of Representatives at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Representatives be equally divided, until its Speaker and other officers shall be duly chosen and qualified." Representatives. Number increased. Proviso. Applicable to New Castle County. Presiding officer. Tie.

Second, Strike out the third clause of the said Third Section reading thus: "There shall be three Senators chosen in each county. When a greater number of Senators shall by the General Assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of Senators shall never be greater than one-half, nor less than one-third of the number of Representatives," and in lieu thereof substitute and adopt the following, viz: "There shall be four Senators chosen from each county. *Provided*, that of the four Senators from New Castle County, two shall be chosen by the citizens residing in the City of Wilmington and two by the citizens residing in the residue of said county. At each biennial session of the Senate the person who was Speaker of the Senate at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Senators be equally divided, until its Speaker and other officers shall be duly chosen and qualified." Senators. Number increased. Proviso. Applicable to New Castle County. Presiding officer. Tie.

SECTION 2. That the offices of such as may be Senators and Representatives at the time of the ratification of the foregoing amendments to the Constitution, shall not be vacated by any of the provisions of said amendments, nor otherwise affected. The first election for Representatives under the Constitution as amended by said provisions, shall be held at the general election, on the Tuesday next after the first Adoption of amendments. Time of election.

CONSTITUTIONAL AMENDMENTS.

Terms of
office.

Proviso.
Applicable
to New Cas-
tle County.

Meeting of
General As-
sembly.

Monday of November, in the year of our Lord one thousand eight hundred and eighty-six. At the said general election there shall be three Senators elected for each of the counties of this State, by the citizens of said counties respectively, under the provisions of the Constitution so amended as aforesaid, one of whom shall be so elected to serve as a Senator for two years from the day of his election and no longer, and the others to serve as Senators for and during the full term of four years from the day of their election and no longer; *provided*, that of the three Senators for New Castle County so to be elected one shall be chosen by the citizens residing in the City of Wilmington to serve as a Senator for four years as aforesaid, and two by the citizens residing in the residue of said county, one thereof to serve as a Senator for two years as aforesaid, and the other for four years as aforesaid; and two Senators shall be elected from each county biennially thereafter. The first meeting of the General Assembly under the Constitution so amended, as aforesaid, shall be on the first Tuesday in January, in the year of our Lord one thousand eight hundred and eighty-seven, and the meetings of subsequent biennial sessions on the first Tuesday in January in every second year thereafter.

If approved
by Governor
Secretary of
State shall
publish in
two or more
newspapers.
When.

SECTION 3. That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendments, duly to publish the above proposed amendments, and this act, in two or more newspapers of this State, for the consideration of the people, at least three and not more than six months before the next general election of Senators and Representatives in this State.

Passed at Dover, March 30, 1883.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 3.

AMENDMENT TO THE CONSTITUTION PROPOSED.

AN ACT proposing Amendments to Article VI of the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):

SECTION I. That the following amendments be and the same are hereby proposed to Article VI of the Constitution of this State, to wit: Amendments to Article 6 of the Constitution

Strike out Section 2 of said article and insert the following in lieu thereof: Section 2d amended.

"There shall be five judges in the State, who shall be appointed for twelve years and may be re-appointed for any number of like terms. One of them shall be Chancellor and another Chief Justice, who may respectively be appointed from and reside in any part of the State. The other judges shall be Associate Judges, who may be taken from any part of the State, but after appointment each shall reside, during his term, in the county for which he is appointed. The persons in office at the time of the ratification hereof shall hold their several offices without re-appointment for the term of twelve years thereafter, and the Associate Judge then residing in any county shall be the resident judge of that county within the meaning of this amendment. Number of Judges. Term.

"The General Assembly shall have power, with the concurrence of two-thirds of all the members of both houses, to establish a court of law and of record in the City of Wilmington, and to confer such jurisdiction, civil and criminal, as it may deem proper, except of felonious homicide and other capital felonies; and in case of the establishment of such court, a judge therefor shall be appointed by the Governor for the like term as the judges herein mentioned, to reside, during his term, in the said city, and with such compensation as may be provided by law; and the General Assembly may provide for the appointment of such officers as may be needful for such court, and for the regulation of process issuing therefrom, and for granting writs of error from the Court of Errors Municipal Court in City of Wilmington. Jurisdiction. Judge appointed by Governor. Term. Compensation. Appointment of necessary officers.

CONSTITUTIONAL AMENDMENTS.

Writs of
error.
Appeals.

and Appeals to determine matters of error in its judgments and proceedings or the privilege of appeal to the Superior Court in civil cases, or to the Court of General Sessions of the Peace and Jail Delivery in criminal matters, and generally may provide for all other things rendered necessary by the establishment of such court."

Section 3
amended.

Amend Section 3 of said article by striking out all the first paragraph to the word "business" inclusive, and inserting the following in lieu thereof, to wit :

Superior
Court.

"The Superior Court in each county shall consist of the Associate Judge, residing in that county. He shall hold court therein during such terms as may be provided by law, but not fewer than two terms during each year, and may make all rules for expediting business."

Section 4
amended.

Amend Section 4 of said article by striking out the first three periods to the word "court" inclusive, and inserting the following in lieu thereof, to wit :

Court of
General Ses-
sions of the
Peace and
Jail Deliv-
ery.

"The Court of General Sessions of the Peace and Jail Delivery shall be composed in each county in the same manner as in the Superior Court. Its terms shall be such as may be prescribed by law, but not fewer than two terms during each year."

Section 6
amended.

Amend Section 6 of said article by striking out the first three periods to the word "court" inclusive, and inserting the following in lieu thereof, to wit :

Court of
Oyer and
Terminer.

"The Court of Oyer and Terminer shall consist in each county of the resident judge thereof."

Also amend said Section by striking out the last period thereof and inserting the following in lieu thereof, to wit :

Judge
shall not
charge on
matters of
fact.

"No judge in any of the courts of this State shall charge juries with respect to matters of fact, but shall only declare the law. In all capital felonies, and in such other criminal cases as the General Assembly shall provide, the accused, after conviction and sentence, shall have the right to a writ of error, to be issued out of the Court of Errors and Appeals, as in other cases, but such writ shall be made returnable to the next session of said court to be held after such sentence and shall have priority in said court over all causes of a civil nature and shall be heard and determined at said session, unless the said court, for cause shown, shall deem that substantial justice requires its continuance. In case any judge

Writ of error
in certain
criminal
cases.

Priority.

CONSTITUTIONAL AMENDMENTS.

whose duty it shall be to hold the said Superior Court, Court of General Sessions of the Peace and Jail Delivery or Court of Oyer and Terminer, shall be unable or disqualified through interest or otherwise to sit at any term or in any cause, the Chief Justice shall sit in his stead. In the absence of the judge, the clerk of either of the Courts of Chancery, Superior Court, Court of Oyer and Terminer, Court of General Sessions of the Peace and Jail Delivery, and Orphans' Court, may, upon his order, open and adjourn the same." When Chief Justice shall sit.
When Clerk may open and adjourn Courts.

Amend Section 7 of said article by striking out the first paragraph to the word "absence," inclusive, and inserting the following in lieu thereof, to wit: Section 7 amended.

"The Court of Errors and Appeals shall have jurisdiction to issue writs of error to the Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery in all cases where such writ is given by this Constitution or prescribed by the General Assembly, and to determine finally all matters in error in the judgments and proceedings of said courts, and to receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery. The Court of Errors and Appeals upon a writ of error shall consist of the Chancellor, the Chief Justice and the Associate Judges who did not sit in the court below. If the resident judge who ought to have tried the cause below did not there sit, he shall sit in the said cause in the Court of Errors and Appeals, unless there be legal exception to him. If the Chief Justice sat in the cause below, he shall not sit in such cause in the Court of Errors and Appeals. Upon a writ of error the Chancellor shall preside, but in case of his absence or disqualification the Chief Justice shall preside, or should he be absent or disqualified, the senior associate present shall preside. Upon appeal from the Court of Chancery, the Court of Errors and Appeals shall consist of the Chief Justice and the Associate Judges. The Chief Justice shall preside, but in case he be absent or disqualified the senior associate present shall preside. Any three of them shall be a quorum, either upon a writ of error or appeal." Court of Errors and Appeals.
Who compose, etc.

Amend Section 7 of said article further by striking out the word "four" first occurring in paragraph two, and inserting in lieu thereof the following, to wit: Amend Section 7.

"all the other,"

CONSTITUTIONAL AMENDMENTS.

Amend Section 7 of said article further by striking out the last paragraph beginning with "Upon appeal" and ending with "quorum," and inserting in lieu thereof the following words, to wit:

Report of
Decisions.

"The General Assembly shall provide by law for reporting the decisions of the said Court of Errors and Appeals, Court of Chancery, Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery."

Section 8
amended.

Amend Section 8 of said article by striking out these words, to wit:

"Sitting in the Superior Court without the associate judges."

Amend said Section by inserting after the word "interested" the following words:

"as having been of counsel in the case or otherwise."

Section 10
amended.

Amend said article further by striking out Section 10 thereof and inserting the following in lieu thereof:

Orphans'
Court.

"The Orphans' Court in each county shall be held by the Associate Judge residing in the county, but in case such judge shall be unable or disqualified, through interest or otherwise, to sit at any time or in any matter, the Chief Justice shall sit in his stead. In all matters involving a right to real estate or to the appraised or other value thereof, and also as to such other matters as the General Assembly may provide, there shall be an appeal to the Court of Errors and Appeals. Upon such appeal the said Court of Errors and Appeals shall be composed in the same manner as upon a writ of error. The Orphans' Court shall have all the jurisdiction and powers vested by the law of this State in the Orphans' Court."

When Chief
Justice may
sit.

Appeal to
the Court of
Errors and
Appeals.

Jurisdiction.

Section 14
amended.

Amend Section 14 of said article by striking out the first period thereof to the word "each" inclusive, and inserting the following in lieu thereof, to wit:

Compensa-
tion.

"The Chancellor and judges shall respectively receive for their services an annual compensation which shall be paid quarterly, and shall not be less than twenty-five hundred dollars, but the General Assembly may increase the compensation of all, or any of them, and may regulate and apportion any such increase according to justice."

General As-
sembly may
increase.

CONSTITUTIONAL AMENDMENTS.

Amend Section 21 of said article by inserting in the second paragraph thereof after the word "by," first occurring therein, the following, to wit: Section 21 amended.

"such executor, administrator, guardian or other."

Amend said Section 21, in the same paragraph, by striking [out] the words "Orphans' Court for the County," and inserting in lieu thereof the following words, to wit: Section 22 amended.

"in the Court of Chancery for the county, in term or before the Chancellor at chambers;" Court of Chancery substituted.

Amend said Section 21 by adding thereto the following words, to wit:

"Such adjustment and settlement shall be final."

Amend Section 22 of said article by striking out the words, "Superior Court," wherever they occur therein, and inserting in lieu thereof, respectively, the following words, to wit:

"Court of Chancery."

Amend said Section further by adding thereto the following words, to wit:

"Such appeal, in either case, may be heard and decided by the Chancellor sitting in term or at Chambers. The Register shall have power to order issues of fact to be tried by a jury in the Superior Court, as may be prescribed by law." Appeal decided by Chancellor in Term or Chambers. Register may order jury trial in Superior Court.

Amend said Section further by striking out the words "Orphans' Court," and inserting these words:

"Associate judge residing in the county."

Associate Judge residing in the county substituted.

SECTION 2. That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendments, duly to publish the above proposed amendments, and this act, in two or more newspapers of this State, for the consideration of the people, at least three and not more than six months before the next general election of Senators and Representatives in this State. Secretary of State to publish the proposed amendment in two or more newspapers. When.

Passed at Dover, April 19, 1883.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 4.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT dividing the Christiana Hundred Northern Election District into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Christiana
Hundred
Northern
Election
District di-
vided into
two Election
Districts.

Northern
and Western

Division
boundaries.

SECTION 1. That for the purpose of holding elections for state and county officers, in Christiana Hundred Northern Election District, the said northern election district shall be divided into two election districts, northern and western. The Christiana Hundred Western Election District shall be composed of all that portion of said hundred lying north and west of a line beginning at a road on the Brandywine at Rockland paper mills and running thence in a westerly direction by the course of said road to a point where said road intersects the public road leading from Flemings to Centre Meeting and south of DuPont's Station on Wilmington and Western Railroad, thence by said Fleming road to a point where the road leading to Campbell's shops intersects said Fleming road and north of said Wilmington and Northern Railroad, thence by said road leading to Campbell's shops, and by said road crossing the Kennet turnpike and continuing by the several courses of said road to the mill formerly known as Fulton's mill; thence by the stream running from said mill, by its several courses and windings, to where it empties into Red Clay Creek.

Elections.
Where held.

SECTION 2. The elections for the said Western Election District shall be held at the public house belonging to George

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Lancaster, in Centreville, and the elections for the North Christiana Election District shall be held at the usual place as heretofore.

SECTION 3. At the said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Road Commissioners, for Assessors of said hundred, and for Inspectors of said election districts. The electors residing in said hundred shall vote in the election district in which they shall at the time reside. Electors to vote; where

SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessors and inspectors and road commissioners is qualified by the provisions hereinafter contained. Election laws to apply to elections in said Districts. Exception.

SECTION 5. There shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes, one assessor for Christiana hundred and one inspector for each of the said three districts. In such election for assessor and inspector the collector of said hundred shall be the presiding officer of Christiana North Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle county in the month of March next previous to the election, shall be the presiding officer for Christiana West Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law. And if at any election for assessor and inspector in said Christiana West Election District a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment, make provision for the furnishing by the Clerk of the Peace of a list of the voters of the said election district to the person appointed as presiding officer as aforesaid. Assessor and Inspector. Presiding officers. When and how appointed. Levy Court to furnish list of voters.

SECTION 6. Immediately upon closing the election for assessor and inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges Certificates of election.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

of the election in each of the said districts shall make and sign certificates according to law of the election of inspectors, varying from the form prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for road commissioner.

Presiding of-
ficers to as-
semble.
When and
where.

SECTION 7. The said presiding officer and judges of all the said election districts shall assemble on the day next succeeding said election, at 12 o'clock M., at the voting place in Christiana North Election District aforesaid, and ascertain the aggregate number of votes given in each of the said election districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and equal number of votes, the collector or presiding officer of said Christiana North Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Passed at Dover, February 13, 1883.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 5.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to amend "An act dividing Christiana Hundred in two Election Districts," passed February 9th, 1869.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

SECTION 1. That Chapter 385, Volume 13, Section five, be and the same is hereby amended by striking out the word "collector" in the sixteenth line of said section and inserting in lieu thereof the words "Clerk of the Peace."

Chapter 385,
Volume 13,
amended.

Passed at Dover, February 13, 1883.

CHAPTER 6.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

AN ACT to establish the State Library.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. The State Library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may hereafter acquire by gift, purchase, exchange or otherwise.

Contents of
State Lib-
rary.

SECTION 2. The Governor shall, on the first Tuesday of April in the year A. D. 1883, and every two years thereafter, appoint a State Librarian, who shall hold his office for the term of two years, beginning on the ninth day of April next following his appointment, and until his successor is duly appointed and qualified. Before entering upon his duties the Librarian shall take the oath of office and give a bond to the State in the sum of two thousand dollars, with two sureties

Appoint-
ment by the
Governor of
State Lib-
rarian.
Term.

Bond ap-
proved by
Governor.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

Condition. to be approved by the Governor, conditioned for the faithful performance of his official duties, the safe keeping and delivery to his successor of all property belonging to the Library; such oath and bond to be filed in the office of the Secretary of State.

Duties. SECTION 3. The Librarian shall have general charge of the State House, and shall see that the same is properly cared for. He shall, by and with the consent of the judges of the Court of Errors and Appeals, make such rules and regulations governing the Library and its use as may to them seem proper. He shall keep a complete record of all the books taken from the Library, and require the return of the same within thirty days, unless renewed by a written application; but in no case shall there be more than one renewal.

Books to be returned within 30 days, unless renewed.

In case any person taking books from the Library should fail to return the same within thirty days or renew as above provided, then, and in that event, he shall be fined by the Librarian the sum of ten cents per book for each and every week such book or books are so unlawfully retained. The said fine to be collected by the Librarian as such debts are by law now collected, and the proceeds arising from such collection to be expended by him in purchasing stationery for the Library.

Fine. When.

How collected and expended.

Record to be kept of books, etc. SECTION 4. The Librarian shall also keep a complete record of all books, pamphlets, &c., received by him for the State Library, properly label, and acknowledge the receipt of the same.

Duties as to disposal of the laws of the State and Judicial Reports. SECTION 5. Immediately upon the publication of the laws by the Secretary of State, he shall deposit in the Library fifty copies, and the Librarian shall send a copy of the same to the library of each State and Territory in the Union, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle County Law Library. The Secretary of State shall also, upon the receipt of the Judicial Reports, and the Chancery Reports, place in the Library, in addition to the number now required by law to be placed therein, a number of copies thereof equal to the number of States and Territories of the United States, and the Congressional Library, Delaware College, the Historical Society of the State of Delaware, and the New Castle County Law Library, and the Librarian shall thereupon transmit one copy thereof to the

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

library of each State and Territory above named, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle [County] Law Library.

SECTION 6. The Librarian shall, on the first day of the sessions of the General Assembly of this State, make a report to the same, setting forth the condition of the Library, the number of fines levied and collected, the number and title of books lost during the two years past, and the number and kinds of books received by him for the Library in that period, and all other things concerning the Library that he may deem proper. He shall also keep the Library open each day, except Sundays and legal holidays, from 10 o'clock, A. M. to 12 o'clock, M., and from 2 o'clock to 4 o'clock, P. M., and during the sessions of the Legislature and the sessions of the Courts in Kent County, from 9 o'clock, A. M. to 9 o'clock, P. M.

Report to
General As-
sembly.
Contents.

Library.
When to
open and
close.

SECTION 7. That at any time, when the State Librarian shall fail to perform his duties as hereinbefore prescribed, then; and in that event, the Governor may remove him, and appoint some other competent person to fill the unexpired term.

Governor
may remove
Librarian.
When.

SECTION 8. That the sum of seventy-five dollars per year is hereby appropriated out of the money in the treasury for the current expenses of the State Library, and the Librarian is authorized and empowered to draw on the State Treasurer from time to time for the same, as the case may require, and present his vouchers to a committee of the Legislature appointed at its biennial session to settle with the State Librarian.

\$75 for cur-
rent ex-
penses to be
drawn on
warrant of
Librarian.

SECTION 9. That the Librarian shall receive for his services, as such officer, the sum of four hundred and fifty dollars per year; and he is hereby authorized and empowered to draw upon the State Treasurer, at the end of each quarter, for the same.

Compensa-
tion.

SECTION 10. That the sum of money now appropriated for the purchase of law books for the law library shall be increased, and made the sum of three hundred dollars, to be expended by the Librarian under the direction of the Court of Errors and Appeals, for judiciary reports, and not for text books, preference being given to supplying the missing volumes of sets of reports in the Library. Said sum shall be

Amount to
be expended
for Judicial
Reports.
How drawn.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

drawn by the Librarian's draft on the State Treasurer, endorsed with the approval of the said judges, or a majority of them.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, March 30, 1883.

CHAPTER 7.

OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

AN ACT to revive and extend the time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's Office, in one of the counties of this State, within twelve months after their passage, or they shall be void ;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That all unpublished acts heretofore passed which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall

Time for recording private acts extended.

OF THE PASSAGE AND PUBLICATION OF LAWS AND OF JOURNALS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, March 1, 1883.

TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 8.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 390, Volume 13 of the Laws of Delaware,
entitled "An act providing Revenue for this State."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 13 of the act entitled "An act providing Revenue for this State," passed at Dover, April 8th, 1869, Volume 13, Chapter 390, (Revised Code, page 39,) be and the same is hereby amended by striking out the words: "Three per centum of every hundred dollars he may hold for distribution among the distributees or legatees, and at that rate for every less sum," and insert in lieu thereof the following words: "Out of the moneys belonging to such legatees or distributees respectively the tax to which they shall be severally subject."

Section 13 of
Chap. 390,
Vol. 13,
amended.

Substitution.

Passed at Dover, February 27, 1883.

OF THE REVENUE OF THE STATE.

CHAPTER 9.

OF THE REVENUE OF THE STATE.

A further additional Supplement to the act entitled "An act in Relation to Oysters."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That from and after the passage of this act it shall not be lawful to use or employ any boat or vessel in dredging for oysters on any of the natural oyster beds of this State unless the said boat or vessel, or at least one-half part thereof, be bona fide owned by bona fide residents of this State and wholly manned by bona fide residents of this State, nor without first procuring from the Collector a certificate, as hereinafter provided.

No boat or vessel to be used in dredging for oysters unless owned in part by bona fide residents of this State. Collector's certificate required.

SECTION 2. In order to obtain such certificate from the Collector, the owner, or one of the owners (if more than one) of any such vessel, shall file with the Collector a written application, stating the name of the vessel, the name of the owner or owners (if more than one,) and the place or places of residence of such owner or owners, and the shares in which such owners own the same, and shall verify such statement by his oath or affirmation, which the said Collector is hereby authorized to administer. The owner so applying shall file at the same time the written statement of the master of such vessel, showing the names and places of residence of the crew of the same, which shall be verified by the oath or affirmation of such master, and which the said Collector is hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said vessel is bona fide owned by a resident or residents of this State, and is wholly manned by a crew all of whom are bona fide residents of this State, the said Collector shall issue and deliver to the captain of such boat or vessel a certificate of the following words, viz:

Written application to obtain certificate. Contents.

Statement verified by affidavit.

Collector to deliver certificate to captain of vessel.

This is to certify that the owner of the vessel called _____ having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds.

Contents.

OF THE REVENUE OF THE STATE.

within the waters of this State during the period by law prescribed for dredging. But the permission hereby conferred shall instantly cease and terminate whenever less than one-half part of said vessel shall be bona fide owned by bona fide residents of this State, or whenever said vessel shall not be manned by a crew wholly composed of bona fide residents of this State.

Given under my hand at _____ this _____ day of _____.

Collector of Oyster Revenue.

Whenever such vessel shall not be wholly manned by bona fide residents of this State, or if at any time less than one-half part thereof shall be owned by bona fide residents of this State, thereupon all privileges conferred by said certificate shall immediately cease and terminate.

Penalties. SECTION 3. Any person violating the provisions of Section 1 of this act shall be subject to the same penalties and shall be proceeded against in the same manner as is provided for in Section 5 of the act to which this is a supplement; and the like proceedings may be had against any vessel used or employed contrary to the provisions of this act, as are by the last mentioned section provided, with the right of appeal in each case, as is by the said section conferred.

Duties of Collector. SECTION 4. It shall be the duty of the Collector, or the captain of the watch boat, whenever in the opinion of either of them it may be necessary, to demand of the captain of any vessel found dredging on the natural oyster beds of this State the production and exhibition of the certificate by this act authorized; and any vessel employed in dredging without such certificate shall be immediately seized and her crew arrested, and proceedings shall be thereupon instituted, as herein provided, with full power in the collector or captain of the watch boat to summon a posse to aid in enforcing the provisions of the law in that behalf.

Right of seizure and arrest.

Chapter 13, Volume 14, amended. SECTION 5. That the act entitled "An act in relation to Oysters," passed at Dover, February 1st, 1871, be and the same is hereby amended by striking out the words "fifteen acres" where they occur in said act and all acts supplementary thereto, and inserting in lieu thereof the words "fifty acres."

SECTION 6. That any person who is a non-resident of the State of Delaware desiring to plant oysters in the Delaware

OF THE REVENUE OF THE STATE.

Bay and prohibited under this act from dredging for oysters on the natural oyster beds, may obtain a license, under the act to which this is a supplement, for planting oysters and taking up the same, by paying two dollars per ton (custom house measurement,) for the vessel to be used in the business of working the plantation, instead of three dollars per ton.

Non-residents may plant.

Oysters under license, \$2 per ton (Custom House measurement).

Passed at Dover, March 21, 1883.

CHAPTER 10.

OF THE REVENUE OF THE STATE.

AN ACT in relation to the planting of Oysters in Indian River and Rehoboth Bay:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person who is not a citizen of this State, to lay out or plant oysters in any of the waters of Indian River or Rehoboth Bay, and any one so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, before any justice of the peace of Sussex county, shall be fined for each offense the sum of one hundred dollars, and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters and all and everything in and belonging to her. The one-half of said fine shall be paid to the informer and the other half to the commissioner hereinafter appointed.

Non-residents shall not plant oysters.

Penalty \$100
Forfeiture.

Fine. To whom paid.

SECTION 2. That when an affidavit is filed before said justice, charging that a violation of this statute has been committed by any one, and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant directed to any constable of said county authorizing him to arrest the person or persons therein charged, and also to seize and hold said boat or vessel and all and everything in and belonging to her, until the final order of the justice of the peace in the premises.

Justice of Peace shall issue warrant for arrest and seizure.

OF THE REVENUE OF THE STATE.

Power of Justice to commit to jail.	SECTION 3. That upon such conviction, the said justice of the peace shall have the power and authority to commit any one so offending to the jail of Sussex county until said fine and all costs are paid, and also to issue an order to any constable of said county, empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, and all and everything in and belonging to her, on ten days notice, posted in two of the most public places in each of the hundreds of Indian River, Dagsboro' and Baltimore; and that such sale shall convey to the purchaser or purchasers of said boat or vessel and all and everything in and belonging to her, a good and valid title thereto.
Seizure of boat. Sale.	
Notice.	
Title.	
Proceeds of sale.	SECTION 4. That the proceeds of said sale so as aforesaid made by the constable, after deducting the costs, which shall be retained by said officer and paid to the parties entitled, shall be paid over to the commissioner hereinafter appointed.
To whom Paid.	<i>Provided</i> that the parties defendant may appeal to the Court of General Sessions of the Peace and Jail Delivery, within ten days from the time when judgment was rendered, upon giving bond to the State, with security to be approved by the justice of the peace, in a sum double the amount of the fine imposed and the value of the property seized by the constable, conditioned that if the said appeal shall be prosecuted with effect then the same shall be void, otherwise to be in full force and effect. The proceedings shall be in the name of the State of Delaware, and upon the docketing of the appeal in the Court of General Sessions of the Peace and Jail Delivery, the Attorney General shall answer to the appeal and conduct the case for the State.
Proviso. Appeal.	
Within what time. Bond.	
Amount.	
Condition.	
Proceedings in name of State.	
Attorney General's duty.	
Citizens may plant.	SECTION 5. That it shall be lawful for any citizen of the State to lay out or plant oysters in any of the waters of Indian River or Rehoboth Bay, over an area not exceeding twenty acres, for which he shall pay to the commissioner hereinafter appointed annually the sum of fifty cents for each acre as rent for the ground so held by him, the first payment of said tax to be made within one month after he shall stake off the area aforesaid. The said area shall be marked or designated by stakes as provided in the next section of this act, and the oysters deposited within said stakes and their increase shall be the private property of the said planter and shall be protected as is hereinafter provided.
Not exceeding 20 acres.	
Pay per acre annually. First payment, when.	
Area for planting. How located	
Private grounds.	

SECTION 6. That any citizen of the State may appropriate to his own use a part not exceeding twenty acres of the

OF THE REVENUE OF THE STATE.

bottom of Indian River or Rehoboth Bay for planting oysters, which part he shall designate by corner stakes to show, at least two feet above the ordinary high water and not to be obstructive of navigation. It shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be his or their private property.

Private Grounds.

Provided that any such citizen so intending to appropriate any such part of the bottom of said Indian River or Rehoboth Bay shall, within thirty days after he has so as aforesaid

Proviso.

staked off the area which he intends to use for planting oysters, file with the commissioner hereinafter appointed a sufficient plot and description of said area, whereby the same may be known and located, reference being made in said plot and description to natural objects or to artificial boundaries erected or fixed on the shore or shores of said Indian River

Plot to be filed with Commissioner.

or Rehoboth Bay, and provided he shall, within six months after he has so as aforesaid staked off the area aforesaid, plant therein fifty bushels of oysters on each acre of his area and make affidavit that he has deposited or planted said quantity

Proviso. Within six months must plant fifty bushels per acre.

of oysters within said area, said affidavit to be appended to the aforesaid plot and description and recorded therewith in the office aforesaid. If he shall fail to file said plot and description and affidavit, or deposit or plant said quantities of oysters within the time aforesaid, he shall forfeit all right, title and claim to the area aforesaid, and the same may be appropriated for the purpose aforesaid by any other citizen of said State.

Affidavit.

Forfeiture.

SECTION 7. That the privilege granted by this act shall not be construed to convey any other right than that to plant oysters or hold them as property, which shall be liable for the debts of the person so as aforesaid appropriating any of said area aforesaid, and any levy and sale under execution process of the area of any defendant in such process, shall convey to the purchaser the same right to use said area for oyster planting purposes that the defendant had and owned and all the oysters thereon planted at the time of said sale.

Liable for debt.

Execution. Sale.

Rights of purchaser.

SECTION 8. That if any person or persons shall take and carry away from the area or plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof, without the consent of the owner thereof, he shall be deemed guilty of larceny, and upon conviction thereof be punished accordingly, and it shall be no objection to a prosecution for larceny in such a case that the act was done openly.

Trespasser deemed guilty of larceny.

OF THE REVENUE OF THE STATE.

Prohibited
from plant-
ing within
certain ter-
ritory.

SECTION 9. That nothing in this act contained shall be construed to give any one the right to plant oysters within the territory of The Frankford Oyster Planting Company, a corporation created by an act of the General Assembly of this State, passed at Dover, March 31, 1881, or of The Indian River and Rehoboth Bay Oyster Planting Company, a corporation created by an act of the General Assembly of this State, passed at Dover, March 23, 1875, and amended March 1, 1877.

Governor
to appoint
Commis-
sioner.

Style: Com-
missioner of
oyster plant-
ing.
His duties.

Term of
office. Two
years.

Annually
pay over to
State Treas-
urer certain
monies.

SECTION 10. That the Governor shall, within a reasonable time after the passage of this act, appoint some suitable and competent person to act as commissioner under the provisions of this law, and who shall be styled "Commissioner of Oyster Planting in Indian River and Rehoboth Bay." It shall be his duty to collect and receive from each person who has appropriated any portion of the bottom of Indian River or Rehoboth Bay as is hereinbefore provided, each and every year, the sum of fifty cents for each and every acre so as aforesaid appropriated for oyster planting purposes; to keep a proper record in which he shall record all the plots and descriptions of the different areas appropriated under the provisions of this act; that his said office shall continue for the term of two years; that he shall receive for recording each plot and description the sum of fifty cents, to be paid by the party requesting the same to be recorded; that he shall retain as compensation for his services the one-half of the revenue paid him by those who take up or appropriate certain areas for oyster planting purposes, and that he shall annually pay over to the State Treasurer all other moneys so as aforesaid received by him.

Passed at Dover, March 28, 1883.

OF THE REVENUE OF THE STATE.

CHAPTER 11.

OF THE REVENUE OF THE STATE.

A SUPPLEMENT to the act entitled "An act providing Revenue for this State," passed at Dover, April 8th, 1869, as amended by Chapter 21, Volume 14, Laws of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That so much of Sections 12 and 13 of the act to which this is a supplement, as amended by Chapter 21, Volume 14, Laws of Delaware, as imposes succession or collateral inheritance taxes, except as to strangers in blood of the predecessor, be and the same is hereby repealed.

Passed at Dover, March 27, 1883.

Sections 12 and 13, Chapter 390, Volume 13, as amended by Chapter 21, Volume 14, amended Succession or collateral inheritance taxes repealed. Exception.

CHAPTER 12.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 311, Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1, Chapter 311, Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the words "during the months of April, May and June," and insert in lieu thereof the words "between April thirtieth and June thirtieth."

Section 1, Chapter 311, Volume 16, amended.

Passed at Dover, March 30, 1883.

OF THE REVENUE OF THE STATE.

CHAPTER 13.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 13, Volume 14, Laws of Delaware:

Preamble.

WHEREAS the supplement to the "Act in relation to Oysters," passed at the present session of the Legislature, greatly increases the duties of the Collector of the Oyster Revenue and at the same time diminishes his compensation; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 18,
Chapter 13,
Volume 14,
amended.

SECTION 1. That Chapter 13, Volume 14, Laws of Delaware, be and the same is hereby amended by striking out the words "five per centum," in line two of Section 18, and insert in lieu thereof the words "eight per centum."

Passed at Dover, April 10, 1883.

CHAPTER 14.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of Kent County to re-appoint, for an additional term or terms, a Constable for South Murderkill Hundred, and also for North Murderkill Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authority to
re-appoint
Constable in
South and
North Mur-
derkill Hun-
dreds.

SECTION 1. That it shall and may be lawful for the Levy Court of Kent County, in the exercise of their discretion, to re-appoint, for any additional term or terms, any Constable for South Murderkill Hundred, in the county aforesaid, and also any Constable in North Murderkill Hundred, in the county aforesaid.

Passed at Dover, March 12, 1883.

OF THE LEVY COURT.

CHAPTER 15.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of Sussex County to appropriate annually money for the keeping in repair a road in Cedar Creek Hundred.

WHEREAS the General Assembly, by an act passed, the ^{Preamble.} nineteenth day of March, A. D. 1877, authorized and empowered the United States Government to open and construct a road from one of the main county roads to the Light House at the mouth of Mispillion Creek, and whereas the Government has failed to keep said road, which is of great benefit to the public, in proper repair, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Levy Court of Sussex County be and they are ^{Appropriation authorized.} hereby authorized to appropriate annually whatever sum of money they, in their judgment, think necessary and proper for the keeping of said road in proper repair.

Passed at Dover, March 21, 1883.

CHAPTER 16.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to Fund the Floating Debt of said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Levy Court of New Castle county be and are hereby authorized and empowered to borrow, on the credit of said county, a sum not exceeding two hundred ^{Authorized to borrow} thousand dollars, and for that purpose to issue certificates of \$200,000.

OF THE LEVY COURT.

Certificates of indebtedness. Rate of interest. \$10,000 payable annually. Liquidation of floating debt. Duty of County Treasurer.

indebtedness of such denominations, in such form, and bearing such rate of interest, not exceeding five per cent., as said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of ten thousand dollars of the principal sum so to be borrowed shall become due and payable in each and every year until the whole is paid; and the said Levy Court are directed to apply the money borrowed as aforesaid within six months thereafter to the liquidation and payment of the said floating indebtedness which may have been due and payable before the passage of this act. The application of the said money as aforesaid shall be made through the County Treasurer, under the direction and supervision of the said court, or a committee thereof, duly appointed for that purpose.

Tax rate for sinking fund. How applied.

SECTION 2. That the Levy Court, in fixing the rate of taxation, shall, annually, provide for a sum equal to five per cent. of the whole amount borrowed under the provisions of this act, which shall, when collected and paid to the Treasurer of said county, be set apart by him in a separate account to be opened for that purpose and designated as the "Sinking Fund Account for the Loan of 1883;" and the said Treasurer shall apply the said sum annually to the payment of such part of said loan as may from time to time become due under the provisions of Section 1 of this act.

Unlawful to borrow exceeding \$10,000 annually. Payment. Proviso.

SECTION 3. It shall not be lawful for the said Levy Court to contract any floating debt, or to borrow any money in addition to the amount by law authorized to be borrowed exceeding the sum of ten thousand dollars in any one year; and when any such floating debt shall be hereafter contracted it shall be the duty of the said Levy Court to provide for the payment thereof out of taxes to be levied in the year next thereafter; *provided* that in case of the destruction by fire of any of the public buildings of said county, or of any accident to any bridge of said county, destroying the same or rendering it insecure, the Levy Court may, by a vote of three-fourths of its members, provide for such emergency by temporary loan or loans until after the next ensuing session of the General Assembly.

Penalty for violation.

SECTION 4. In case of any violation of Section 3 of this act, the members of the Levy Court voting in favor of such violation shall be personally liable for any debt or debts so incurred.

Passed at Dover, March 28, 1883.

OF THE LEVY COURT.

CHAPTER 17.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to make a Loan for the benefit of the Trustees of the Poor of New Castle County.

WHEREAS it has become necessary to erect new and more commodious buildings for the Insane and the Poor of New Castle County, and whereas it is desirable that any debt contracted therefor, as well as any and all other existing debts of the Trustees of the Poor of New Castle County, shall be secured to be paid by county bonds and be limited in amount; now therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of funding the floating debt of the Trustees of the Poor of New Castle County, and of paying for the erection of the new almshouse and building for insane for said county, the Levy Court of New Castle County is hereby authorized and directed to borrow upon the credit of said county, for the use of the Trustees of the Poor of said county, such sum or sums of money as may be necessary, and as may be directed by the Trustees of the Poor of New Castle County, not exceeding in the aggregate two hundred and ninety thousand dollars, and for such purpose may issue certificates of indebtedness, of such denomination, in such form, payable at such time or times, not less than ten thousand dollars each year after the issuing of such certificates, and bearing such rate of interest not exceeding five per centum per annum, as said Levy Court may deem expedient. The said Levy Court shall provide for the payment of said certificates and of the interest thereon by means of the poor tax of said county, laying the same so as to meet such increased demands.

Authorized to borrow not exceeding \$290,000 for the use of the Trustees of the Poor.

Certificates of indebtedness, \$10,000 payable annually. Rate of interest.

Provision for payment.

SECTION 2. The moneys realized from the sale of county bonds, as provided in Section 1 of this act, shall be paid to the Treasurer of the Poor of New Castle County, to be by him applied only towards paying for the erection, completion and furnishing the new almshouse and building for the insane for said New Castle County, and towards paying the floating and

Proceeds paid to Treasurer of Poor.

Application of moneys.

OF THE LEVY COURT.

Proviso. funded indebtedness of said Trustees of the Poor; *provided* that of said bonds herein authorized an amount not exceeding the aggregate sum of the certificates of indebtedness of said Trustees of the Poor of New Castle County outstanding may be used for payment of, or in exchange for, said outstanding certificates.

Outstanding certificates.

Real estate of Trustees of the Poor to be sold. SECTION 3. That the real estate of the Trustees of the Poor of New Castle County, in Wilmington, shall be held in trust, and when sold and conveyed as hereinafter is provided the net proceeds of sale thereof shall be applied towards payment of the money borrowed, or authorized by this act to be borrowed, or of the bonds issued therefor.

Application of proceeds.

Trustees to convey in trust to whom. SECTION 4. That the Trustees of the Poor of New Castle County shall convey in fee simple all the real estate situate in Wilmington belonging to said corporation to Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont, and the survivors and survivor of them, the heirs and assigns of such survivor, in trust to sell and convey the same in whole or in part at public or private sale in their discretion, and to execute and deliver therefor deeds conveying to the purchasers the same free and clear of liens and discharged from the responsibility of the non-application or mis-application of the money therefor; the net proceeds of such sale or sales, after deducting reasonable expenses, shall by said trustees be applied towards payment of the money borrowed or authorized by this act to be borrowed, or the purchase or payment of the bonds issued therefor; *provided* that if all or any of the said real estate be sold before the bonds herein authorized be all issued, the proceed of such sales shall be applied directly towards the completion and construction of the said new buildings, and the amount of bonds to be issued shall be reduced to that extent; *and provided further* that said real estate shall be all sold and conveyed as herein stated within five years from the passage of this act. The said real estate, while held by the trustees as aforesaid, shall be exempt from all taxation. In case either or any of the persons so named as trustees shall die before or after such conveyance to them by the Trustees of the Poor, or shall refuse to accept said trust, it shall be the duty of the Chancellor, upon the application of the Levy Court and of the Trustees of the Poor, or either of them, to appoint some other suitable person or persons in lieu of him or them so dying or refusing to accept said trust.

Public or private sale.

Title.

Proviso.

Further proviso.

Exempt from taxes.

Chancellor to fill vacancies.

OF THE LEVY COURT.

SECTION 5. That from and after the passage of this act the Trustees of the Poor of New Castle County shall not have authority to borrow any money whatever.

Illegal for Trustees of the Poor to borrow.

SECTION 6. The yearly appropriation made by the Levy Court for the use of the Trustees of the Poor of New Castle County shall be paid to the Treasurer of the Poor of said county, in equal quarterly installments, on the last Wednesday of July, October, January and April, of each year. Upon extraordinary occasion the Levy Court of New Castle County shall have authority, upon application of the Trustees of the Poor of said county, to borrow, for the use of said Trustees of the Poor, a sufficient sum of money to meet such occasion, the payment of such sum to be provided for in the levy of poor taxes for the ensuing year.

Yearly appropriations paid quarterly to Treasurer of the Poor.

Levy Court.

Authority to borrow on extraordinary occasion.

Provision for payment.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall be a public act and published as such.

Passed at Dover, March 30, 1883.

CHAPTER 18.

OF THE LEVY COURT.

AN ACT to direct the Levy Courts of the several counties to publish detailed statements of all Expenditures of County Funds, and circulate the same in pamphlet form.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall be the duty of the Levy Court of each county in this State annually, in the month of May, to cause to be printed in pamphlet form a detailed statement of all expenditures of the funds of said county, and orders drawn by each Levy Court Commissioner for any and all service performed or materials furnished in their respective hundreds, specifying in said statement the time when and the

Directed to publish detailed statement. When, and contents.

OF THE LEVY COURT.

purpose for which the same was done; said statement shall also contain the aggregate amount of the per diem allowed to each member of the Levy Court, with the number of days of attendance and miles allowed to each.

No. copies
printed.

How dis-
tributed.

SECTION 2. The said Levy Courts shall have printed such number of copies of said pamphlets as aforesaid as the said Levy Court may deem advisable and necessary for their respective counties, and one-half of the number so printed shall be equally divided between the Justices of the Peace in the respective counties, and the other half between the members of said Levy Courts respectively, who shall keep the same for delivery upon application to them by any voter of their respective hundreds.

SECTION 3. All acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed at Dover, April 12, 1883.

CHAPTER 19.

OF THE LEVY COURT.

AN ACT to provide for the Establishment and Maintenance of a Ferry across the Nanticoke River at Woodland, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Authorized
to establish
public ferry
across Nan-
ticoke River
at Woodland

May make
appropria-
tions.

SECTION 1. That the Levy Court of Sussex County be and they are hereby authorized (if in the judgment of said Levy Court they deem it for the best interest of the county to establish said ferry) and required to cause to be established and maintained a public ferry across the Nanticoke River at the place now known as Woodland, but formerly called Cannon's Ferry, and to make such appropriations as may be necessary to procure the scow or boat to be used for ferriage purposes. And also to make such appropriations from time to time as may be necessary for the proper attendance upon and maintenance of the same.

OF THE LEVY COURT.

SECTION 2. That all citizens of this State, with their teams, wagons and carriages, shall be transported across the said ferry at all times between sunrise and sunset free of charge, but the Levy Court may prescribe tolls to be collected for the ferriage of all other persons.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 19, 1883.

CHAPTER 20.

CLERK OF THE PEACE.

AN ACT to amend Section 21, Chapter 9, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 21, Chapter 9, Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting after the word "list," in the fourth line of said section, the words "of at least three consecutive letters of the last names thereof"; *provided* that this act shall not go into effect until after the next general assessment shall be duly returned to the Levy Court of the proper county.

Passed at Dover, March 27, 1883.

OF THE CLERK OF THE PEACE.

CHAPTER 21:

OF THE CLERK OF THE PEACE.

AN ACT in relation to Clerks of the Peace.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

May administer oaths in certain cases.

SECTION 1. That the Clerk of the Peace in each county be and he is hereby authorized to administer oaths or affirmations in all cases relating to the business of the office of Clerk of the Peace.

Passed at Dover, April 9, 1883.

CHAPTER 22.

OF ASSESSORS.

AN ACT to amend Section 7, Chapter 10, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 7 of Chapter 10, Revised Code, amended.

Proviso.

SECTION 1. That Section 7, Chapter 10, Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting after the word "alphabetically," in the fourth line of said 7th Section, the words "at least three consecutive letters of the last name thereof;" *provided* that this act shall not go into effect until the next general assessment which shall be made in accordance therewith.

Passed at Dover, March 27, 1883.

OF COLLECTORS.

CHAPTER 23.

OF COLLECTORS.

A SUPPLEMENT to Chapter 12 of the Revised Code of 1874, entitled
of "Collectors."

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

SECTION 1. That hereafter it shall be the duty of the collectors of county taxes in the City of Wilmington, at the request of any person paying a tax upon his person or property, to make out and deliver to him a bill, showing, in addition to the amount of tax, how much is laid upon his person and personal property, and how much of it is laid upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof appearing upon the assessment list for Wilmington Hundred.

Supplement
to Chapter
12, Revised
Code.

Collectors
in Wilmington
to give
itemized account
of
taxes.

Passed at Dover, April 19, 1883.

OF THE PUBLIC ARMS AND DEFENSE.

TITLE THIRD.

Of the Public Arms and Defense.

CHAPTER 24.

OF THE PUBLIC ARMS AND DEFENSE.

AN ACT to amend Chapter 15 of the Revised Code as amended by Chapter 326 of Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 10 of Chapter 15 of the Revised Code, as amended by Chapter 326 of Volume 16, Laws of Delaware, be and the same is hereby stricken out and the following inserted in lieu thereof, as said Section 10, viz :

Companies. SECTION 10. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, and not more than one hundred privates.

Regiment. Each infantry regiment shall consist of not less than four nor more than eight companies, one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one surgeon with the rank of major, one assistant surgeon with the rank of first lieutenant, one sergeant major, one quartermaster's sergeant, one drum major, and one hospital steward. The adjutant and quartermaster shall be lieutenants selected from the first or second lieutenants of the regiment.

Battalions. A regiment shall be divided into two battalions. In the ordinary arrangement of the troops two regiments shall constitute a brigade, and two brigades a division; but the Governor may, in his discretion, attach such numbers of regiments or battalions to any brigade, or such number of brigades to any division, as he may deem proper.

Brigade.
Division.

OF THE PUBLIC ARMS AND DEFENSE.

SECTION 2. That it is hereby expressly provided that nothing contained in the first section of this act, or in the acts to which this act is an amendment, shall affect in any manner the present rank, standing or position of the field or staff of the First Regiment Delaware Volunteer Militia, as now organized and existing; but whenever a vacancy occurs in any office not provided for in Section 1 of this act, the same shall not be filled.

Rank of field and staff of present regiment unaffected.

SECTION 3. That Section 11 of the said Chapter 15, as amended as aforesaid, be and the same is hereby amended by adding at the end thereof the following: *Provided* that the amount hereby appropriated shall be divided equally among the companies organized under the provisions of this act, who shall be of the proper standing and efficiency at the muster and inspection next preceding the distribution of the said moneys.

Proviso. Annual appropriation. How divided

SECTION 4. That Section 16 of the aforesaid chapter, amended as aforesaid, be and the same is hereby amended by adding at the end thereof the following: And for the purposes of this section officers and soldiers of the militia shall be considered on duty whenever in the headquarters or armories of their regiment or companies.

When on duty.

SECTION 5. That Section 19 of the said chapter as amended be and the same is hereby amended by striking out, in the third line of said section, the words "twenty privates," and inserting in lieu thereof the words "twenty-five enlisted men".

SECTION 6. That Section 23 of the said chapter, as amended, be and the same is hereby amended by striking out, in the twenty-first line thereof, the words "all courts martial shall be carried on in" in said line, and the words "day time," in line twenty-second of the said section, and insert in lieu thereof the following: "The officer ordering a court martial shall in such order state the time at which it shall convene."

Courts martial. When held.

SECTION 7. That the said chapter be and the same is hereby amended by adding at the end thereof the following additional sections, viz :

SECTION 26. That all officers known as commissioned officers, elected and appointed under the authority of this chapter, shall, before entering upon the duties of their several

Commissioned officers to be sworn.

OF THE PUBLIC ARMS AND DEFENSE.

offices, take and subscribe an oath to faithfully perform the duties of their respective offices in the following form, viz :

STATE OF DELAWARE,
_____ County, ss.

Form of
oath.

I, _____, of _____, do solemnly swear to support the Constitution of the United States, and the Constitution and Laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the lawful orders of any superior officers, according to the laws of the State of Delaware.

Sworn and subscribed before me this _____ day of _____,
18—.

By whom
admin-
istered.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of the said oath shall be filed with the Secretary of State.

Filed with
Secretary of
State.

Enlisted
men to be
sworn.

SECTION 27. That all persons enlisting in the militia service of the State of Delaware shall enlist for the term of three years, and shall immediately upon such enlistment take and subscribe an oath in the following form, viz :

STATE OF DELAWARE,
_____ County, ss.

Form of
oath.

I, _____, of the county of _____ and State of _____ do hereby acknowledge to have voluntarily enlisted [or re-enlisted] this _____ day _____, 18—, as a soldier in the volunteer militia of the State of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, _____, do solemnly swear [or affirm] that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

_____ [SEAL]

Sworn and subscribed before me this _____ day of _____,
18—.

OF THE PUBLIC ARMS AND DEFENSE.

This oath may be administered by any officer of this State ^{By whom} authorized to administer oaths, or by any commissioned ^{admin-} officer in the military service of the State of Delaware. ^{istered.}

SECTION 28. The commanding officer of the regiment ^{Discharges.} shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant an honorable discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment an honorable discharge, under his hand, from the service of the State. No dishonorable discharge shall be given except upon sentence by a court-martial.

SECTION 8. That all officers now in the service of the State shall, within thirty days after the passage of this act, take and subscribe to the oath prescribed in Section 7 thereof. ^{Officers to be sworn within 30 days.} The Governor shall withdraw the commission of any officer neglecting or refusing to take the prescribed oath, and such officer shall be discharged from the military service of the State. ^{Governor to withdraw commission in certain cases.} All enlisted men now in the service of the State shall take the oath prescribed in Section 7 of this act, and any man refusing so to do shall be dropped from the roll of his company or regiment and discharged from the service of the State. ^{Enlisted men to be dropped from roll. When.} No honorable discharge shall issue to any one refusing to comply with the provisions of this section, unless the person refusing shall have served for the term of three years. The form of oath for enlisted men shall, in the case of men now in the service of the State, be so varied as to make their term of enlistment three years from the date of their original enlistment. ^{Term of men now in service.}

SECTION 9. That in all future editions of the laws of this State, Chapter 15 of the Revised Code, as amended by Chapter 326 of Volume 16, Laws of Delaware, shall be published as hereby amended. ^{Chapter 15 of Revised Code to be published as amended.}

Passed at Dover, April 4, 1883.

OF THE PUBLIC ARMS AND DEFENSE.

CHAPTER 25.

OF THE PUBLIC ARMS AND DEFENSE.

Chapter 15 of the Revised Code amended.

ARSENALS.

Sheriff to
keep arsenal

His duties.

SECTION 1. The arsenal in each county shall be under the care of the sheriff, who shall keep the same secured. He shall safely keep and preserve therein all the public arms and accoutrements, and from time to time deliver out and receive into such arsenal such arms and accoutrements, when required by any officer having authority to make orders therefor.

ARMS AND ACCOUTREMENTS.

Public off-
icers to seize
arms.

SECTION 2. It shall be the duty of the sheriff, justices of the peace, constables, and militia officers of each county, to seize all public arms and accoutrements which are in any place, or shall be in possession of any person without authority, and deposit the same in the arsenal.

Proof.

Costs.

SECTION 3. If suit be brought against any such officer for such seizure, the burden of the proof shall lie on the plaintiff. If judgment be rendered against the officer, he shall not pay any costs, but they shall be borne by the county, and paid as other allowances.

Arms.
Inspection.
Cleaned.

Cost.

SECTION 4. It shall be the duty of the sheriff of each county, at least once a year, to inspect, and, if necessary, cause to be cleaned the arms and accoutrements of his county, for which service he shall receive a reasonable compensation, to be allowed by the Levy Court. If he neglect to perform this duty, he shall, for every offense, forfeit and pay ten dollars.

Selling arms

Penalty.

SECTION 5. If any person shall sell, buy, or give away, or have in possession without authority, any of the public arms or accoutrements, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty, nor more than forty dollars.

OF THE PUBLIC ARMS AND DEFENSE.

VOLUNTEER COMPANIES.

SECTION 6. It shall be lawful for the free white male citizens of this State above the age of twenty years to organize, in the respective counties, volunteer companies of artillery, infantry, grenadiers, riflemen, and troops of cavalry, or dragoons, who shall, as nearly as practicable, be officered, armed, equipped, and disciplined according to the army regulations of the United States. *Provided, however,* that in time of peace the number of companies organized shall not exceed eight, four of which may be organized in New Castle county, and two in each of the counties of Kent and Sussex.

Volunteer
companies.

Number of
companies
to be organized.

SECTION 7. The companies, or troops, shall elect, by ballot, their respective officers, and whenever, according to the aforesaid regulations, there shall be a sufficient number of companies or troops to compose a battalion, or a squadron, or a sufficient number of battalions or squadrons to form a regiment, then the corresponding grades of officers shall be elected by ballot by the commissioned officers of the respective companies, or troops, composing such battalions, squadrons or regiments. Whenever there shall be a sufficient number of regiments to form a brigade, the brigadier general and brigade inspector shall be elected in the same manner as the officers of a battalion, squadron or regiment; and all the officers to be thus chosen, and who, by the aforesaid regulations, are usually called commissioned officers, shall be commissioned by the Governor for the term of seven years.

Officers.
Election of.

Battalions.

Regiments.

Brigade.

Commis-
sioned offi-
cers.
Term.

SECTION 8. The Adjutant General shall give fifteen days' notice of elections of the commanding officers of a battalion, squadron, regiment, or brigade, to the commanding officers of each company or troop composing, or about to compose, such battalion, squadron, regiment, or brigade; and each commanding officer of a company, or troop, shall give *five* days' written notice of such election to every commissioned officer of his company, or troop, under the penalty of any fine, not exceeding thirty dollars, which fine may be imposed on him, for a failure, by a court martial.

Election.
Notice of.

SECTION 9. The staff of the Commander-in-Chief shall consist of an Adjutant General, a Quartermaster General, and an Inspector General, each with the rank of brigadier general, one Commissary for each county and three Aids-de-Camp, each with the rank of colonel. The Governor shall have authority to appoint such other officers as may be necessary.

Generals.

Inspector.

Commissary.

Aids.

OF THE PUBLIC ARMS AND DEFENSE.

Duties of
quarter-
masters in
time of
peace.

for the proper government, instruction and discipline of the military forces of the State. In time of peace the Adjutant General shall perform the duties of Quartermaster General and Inspector General.

Companies.

SECTION 10. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, and not more than one hundred privates. Each infantry regiment shall consist of not less than four nor more than eight companies, one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one surgeon with the rank of major, one assistant surgeon with the rank of first lieutenant, one sergeant major, one quartermaster's sergeant, one drum major, and one hospital steward. The adjutant and quartermaster shall be lieutenants selected from the first or second lieutenants of the regiment.

Battalions.

A regiment shall be divided into two battalions. In the ordinary arrangement of the troops two regiments shall constitute a brigade, and two brigades a division; but the Governor may, in his discretion, attach such numbers of regiments or battalions to any brigade, or such number of brigades to any division, as he may deem proper.

Brigade.
Division.

Troop.

SECTION 11. A troop of cavalry or dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, three corporals, one trumpeter, one farrier, one saddler, and fifty-four privates. A squadron shall consist of one major, and at least two troops of cavalry, or dragoons, and not more than four, and shall be formed whenever there shall be two troops of cavalry or dragoons in any brigade. A squadron shall also be entitled to one adjutant and one quartermaster.

Squadron.

Artillery.

When the artillery in any brigade shall form two or more companies, they shall compose a battallion, and shall be entitled to a major, adjutant and quartermaster. There shall be annually appropriated by the State the sum of twelve hundred dollars, for the support of the organized militia of the State, to be expended under the supervision and direction of the Adjutant General, whose duty it shall be, before drawing any warrant upon the State Treasurer, to submit the item or items of expenditure to the Governor for his approval, and upon the approval of the same, by the Governor, it shall be the duty of the State Treasurer to pay any such warrants presented to him out of any moneys in his hands. *Provided* that the amount hereby appropriated shall be divided equally

Annual ap-
propriation.

How ex-
pended.

Proviso.

OF THE PUBLIC ARMS AND DEFENSE.

among the companies organized under the provisions of this act, who shall be of the proper standing and efficiency at the muster and inspection next preceding the distribution of the said moneys.

SECTION 12. The Commissary of each county shall have charge of all the military stores in his county, and shall collect all the public arms, and keep them in the arsenal in perfect order for duty; and he shall not give out the said arms, except to the order of the Adjutant General. All necessary expense for keeping in order the said public stores and arms shall be paid by the Levy Court of the county wherein the same is incurred. But the sheriffs of the respective counties shall have charge of the public arms and accoutrements, as provided by Section 1, if there be no commissary in commission. The Adjutant General shall have power to condemn and sell all arms, accoutrements and ammunition found to be unserviceable, or which it may be deemed to the interest of the State to dispose of, on such terms as the Governor shall approve, and shall allot the money received from such sale or sales *pro rata* to the several companies, troops, or batteries in the service of the State. He shall make report biennially to the Governor of all moneys so received and distributed, to be by the Governor submitted to the General Assembly at its next session.

Commissaries.

Duties.

Expenses.

Power to condemn and sell arms, &c.

Biennial report to Governor by the Adjutant General.

SECTION 13. Each commissary, before he enters upon the duties of his office, shall give bond to the State, with sufficient surety, to be approved by the Governor, in the sum of one thousand dollars, conditioned for the faithful performance of said duties; which bond the Governor shall immediately forward to the Secretary of State to be filed in his office. Bond and security shall also be given, in the name of the State, by all officers to whom arms or accoutrements are delivered, for their safe return in proper order and condition.

Bond.

Firearms.

SECTION 14. When it may be necessary to use any military force for public defense against foreign or domestic violence, the Governor shall have power, according to the emergency, to call out any volunteer companies or troops, or any part thereof, for that purpose; and the sheriff of any county, or any two magistrates thereof, may by a written order, addressed to the captain or commanding officer of any company, or troop, or the major of any battalion, or colonel of any regiment, within the county, require the aid of such company, troop, battalion, or regiment for the suppression of

Troops. How called out. For war.

To keep the peace.

OF THE PUBLIC ARMS AND DEFENSE.

How paid. a riot and the protection of the peace of the county. For every day's and night's service, whilst on such duty, the Levy Court of the county wherein the service is required shall allow each non-commissioned officer and private one dollar, and the commissioned officers two dollars each, besides all necessary expenses. The Mayor of the city of Wilmington. Wilmington may, in like manner, call upon the volunteer force of said city, or upon the commanding officers of any company or troop in New Castle county, to aid in the suppression of a riot and in the preservation of the peace of said city; and all pay and expenses thereby incurred shall be paid by said city and not by New Castle county.

SECTION 15. All such requisitions of military force shall be made known to the forces, whose services are required, by the commanding officer thereof; and upon refusal of those notified to attend the summons and perform the duty required, Failure to obey call. Fines. they shall be fined as follows: each non-commissioned officer, or private, not less than thirty nor more than one hundred dollars, and each commissioned officer, not less than one hundred nor more than one thousand dollars, as the court martial shall in all such cases determine; and furthermore Forfeiture. the commission of a commissioned officer shall become void.

Bad conduct SECTION 16. Any commissioned officer who shall be guilty of disorderly, disobedient, or any unmilitary conduct, at any time when on duty, shall be put under arrest by the commanding officer, and tried by a court martial, and fined in Fines. any sum not exceeding fifty dollars, or he may be cashiered; if a non-commissioned officer, or private, shall be so guilty, he may be disarmed and put under guard, and fined at the discretion of the court martial, not less than two nor more than ten dollars; and for the purposes of this section, officers and soldiers of the militia shall be considered on duty whenever in the headquarters or armories of their regiment or companies.

How recovered. SECTION 17. All fines imposed by a court martial, as well as by the by-laws of any volunteer company or troop, may be sued for and recovered before any justice of the peace, in the name and for the use of the said company or troop, if the amount be within his jurisdiction, or in the case of a field or staff officer, in the name of the brigadier general of the county, for the use of the battalion, squadron, division, regiment, or brigade to which he belongs. There shall be no

OF THE PUBLIC ARMS AND DEFENSE.

stay of execution on a judgment rendered for such a fine, but Execution.
the same shall forthwith be issued.

SECTION 18. The said volunteer companies or troops, Rules of war
when they, or any part thereof, shall be called into actual
service by the authority of this State, or of the United States,
shall be governed by the rules and articles of war and the
regulations established for the government of the army of the
United States.

SECTION 19. In case any company, or troop, to be raised Companies
under the provisions hereof, shall not, in one year from the disbanded.
appointment of its officers, contain at least twenty-five en-
listed men, or shall be reduced under that number and so re-
main for six months thereafter, such corps shall be deemed to
be disbanded, and its arms and accoutrements shall be returned Return of
to the commissary or officer having charge of the arms for arms.
the county to which such corps belongs. In case such arms
and accoutrements be not returned, upon the order of the
Governor, to the commissary or officer aforesaid in proper
order and condition, the officer who gave bond with respect
thereto shall be liable thereon ; but the arms shall not be
demanded from any company, or troop, except as specified
by this section.

SECTION 20. If any officer or soldier, belonging to any Care of
company or troop aforesaid, be wounded or disabled in the wounded.
the service of the State when called out into such service, he
shall be taken care of and provided for at the public expense,
and fair compensation allowed him for his time and injury ;
if killed, his family shall receive a pension according to his Pensions.
rank, as regulated by the pension laws of the United States.
If any horse shall be taken into the service of a company, or Horses ap-
troop, the same shall be appraised by the officer in command praised.
and two citizens, before the time it is actually used in such
service, and the appraisement entered in a book by the officer
who assists in making the same ; and in case such horse shall Loss of
be killed, disabled, die, or be taken by the enemy, the owner compensation.
shall be paid his full value ; provided the loss has not hap-
pened by the neglect or improper conduct of the owner or his
servant ; and for the use of every such horse a fair compen-
sation shall be made.

SECTION 21. It shall be the duty of the Adjutant Adjutant
General to distribute to the several corps all orders from the general.
Governor, to attend all reviews under this act, to obey all Duty of.

OF THE PUBLIC ARMS AND DEFENSE.

orders relative to carrying into effect and perfecting the system of military discipline thereby, and to make all the returns and perform all the duties required of him by the rules and regulations of the army of the United States, and for which he shall receive an annual salary of two hundred dollars. The commissaries are required, and it shall be their duty, to make return to the Adjutant General, in such form as he shall direct, of all military stores, magazines and arms in their charge, in order that he may be enabled to lay before the Major General the effective force and condition of the military department of the State, that the same may be transmitted to the General Assembly at its sessions. If any officer refuse or neglect to perform the duties required of him by this section, he may be fined, at the discretion of a court martial, any sum not exceeding twenty dollars.

Reviews. SECTION 22. The Governor may review the volunteer forces of this State at his pleasure, and the ranking officer, in command of the troops, shall inspect all the troops under his command at least once a year, and report the result of such inspection to the Adjutant General.

Courts martial. SECTION 23. The Governor shall appoint courts martial for the trial of all officers above the rank of first lieutenant; and the ranking officer in command of troops shall appoint them for the trial of lieutenants, agreeably to the rules established by Congress. It shall be the duty of every officer who shall appoint a court martial to approve or disapprove its sentence, and at the time of such appointment he shall appoint a Judge Advocate, whose duty it shall be impartially to state the evidence for and against the party on trial, and to take accurate minutes of such evidence and all the proceedings of the court, all of which, together with the judgment of the court, he shall transmit, under seal, to the officer whose duty it is to approve or disapprove such judgment. Every officer put under arrest, or suspended from command, shall have a copy of the charges exhibited against him ten days before the sitting of the court; and in case any officer, for the trial of whom a court martial shall be ordered, shall neglect to appear and make his defense, he shall be deemed by the court guilty of the charges, and sentenced accordingly, unless he was prevented by sickness or unavoidable accident, which shall be made appear to the satisfaction of the court. The officer ordering a court martial shall in such order state the time at which it shall convene, and in cases where a vote

OF THE PUBLIC ARMS AND DEFENSE.

is required for decision the youngest member in commission shall vote first. All persons shall be held to appear and give evidence before such courts, under the same penalties as witnesses summoned by a justice of the peace. If any subaltern or private shall omit to serve on a court martial, when duly notified, he shall be fined, if a subaltern, four dollars, and if a private two dollars, unless excused by the commanding officer of the company. Witnesses.
Neglect to
serve.
Fines.

SECTION 24. All courts martial for the trial of non-commissioned officers and privates, shall be appointed by the captain or commanding officer of the company, and shall consist of one subaltern and four privates, the subaltern to be the president; and at such courts martial no person shall be excused, unless it be made to appear satisfactorily to the court, by the testimony of a credible witness, that he was prevented by sickness of himself, or family, or such other unavoidable circumstance as demanded his personal attention. Courts for
non-com-
missioned
officers, &c.
Organiza-
tion.

SECTION 25. Each member of a court martial shall, before he proceeds to his duty, take an oath or affirmation that he will faithfully and impartially perform the duties of a member of the said court martial; which oath may be administered by any commissioned officer, or by the president of the court. Oaths.

SECTION 26. That all officers known as commissioned officers, elected and appointed under the authority of this chapter, shall, before entering upon the duties of their several offices, take and subscribe an oath to faithfully perform the duties of their respective offices in the following form, viz :

STATE OF DELAWARE,
_____ County, ss.

I, _____ of _____, do solemnly swear to support the Constitution of the United States, and the Constitution and Laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the lawful orders of any superior officers, according to the laws of the State of Delaware. Form of
oath.

Sworn and subscribed before me this _____ day of _____,
18—.

OF THE PUBLIC ARMS AND DEFENSE.

By whom
admin-
istered.Filed with
Secretary of
State.Enlisted
men to be
sworn.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of the said oath shall be filed with the Secretary of State.

SECTION 27. That all persons enlisting in the militia service of the State of Delaware shall enlist for the term of three years, and shall immediately upon such enlistment take and subscribe an oath in the following form, viz :

STATE OF DELAWARE,
_____ County, ss.

Form of
oath.

I, _____, of the county of _____ and State of _____ do hereby acknowledge to have voluntarily enlisted [or re-enlisted] this _____ day _____, 18—, as a soldier in the volunteer militia of the State of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, _____, do solemnly swear [or affirm] that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

_____ [SEAL]

Sworn and subscribed before me this _____ day of _____, 18—.

By whom
admin-
istered.

This oath may be administered by any officer of this State authorized to administer oaths, or by any commissioned officer in the military service of the State of Delaware.

Discharges.

SECTION 28. The commanding officer of the regiment shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant an honorable discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment an honorable discharge, under his hand, from the service of the State. No dishonorable discharge shall be given except upon sentence by a court martial.

TITLE FOURTH.

Of Elections.

CHAPTER 26.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend Section 1, Chapter 16, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1st, Chapter 16 of the Revised Statutes of the State of Delaware, be and the same is hereby amended by striking out all of said section after the word "hundreds," in second line of said section, and inserting in lieu thereof the words "wards, precincts or election districts, in which they shall respectively have resided at least fifteen days immediately prior to the time of voting, and not elsewhere."

Section 1,
Chapter 16,
Revised
Code,
amended.

Passed, at Dover, February 13, 1883.

CHAPTER 27.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend Section 12 of Chapter 16 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That Section 12 of Chapter 16 of the Revised Statutes be and the same is hereby amended, by adding, at the end of said section, the following words, viz :

Section 12 of
Chapter 16,
Revised
Code,
amended.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Accepting
bribe misde-
meanor.

Forfeiture.

Proviso.

Informor not
indictable.

And if any person shall accept or receive any thing so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or any subsequent conviction, for a like offense, shall forfeit all the rights and privileges of an elector for the period of eight years from the date of any such conviction, and shall also, during the period of such disfranchisement, be incompetent to serve as a juror. *Provided*, however, that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offense.

Passed at Dover, March 7, 1883.

CHAPTER 28.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend an act entitled "An act to provide a Uniform Ballot for Election Purposes," passed at Dover, April 8th, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1 of
Chapter 328,
Volume 16,
amended.Dimensions
of ballots.

Proviso.

SECTION 1. That Section one of Chapter 328 of Volume 16 of the Laws of Delaware, entitled "An act to provide a uniform ballot for election purposes," be and the same is hereby amended by striking out the words "six inches long and three inches wide," where the same occur in the 6th and 7th lines of said section, and inserting in lieu thereof the words "not less than six inches nor more than six and one-quarter inches long, and not less than three nor more than three and one-quarter inches wide."

Further amend said Section 1 by inserting between the word "counted" and the word "and," in the 39th line thereof, the words following: "*and provided further*, that no spot, mark, defect, or blemish in said paper, made or caused in and by the manufacturing thereof, or in the print-

GENERAL PROVISIONS RESPECTING ELECTIONS.

ing of said ballots, with no intent to violate the provisions of this act, shall in any way affect or destroy the validity of said ballot or cause it to be rejected."

Further amend said section by inserting between the word "substituting" and the word "another," in the 43d line of said section, the words "or not substituting."

Ballots not
invalidated
by uninten-
tional de-
fects in
paper and
printing.
Further
proviso.

Passed at Dover, April 13, 1883.

CHAPTER 29.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

AN ACT in relation to the Election of Assessors and Inspectors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, and the election of inspectors of the several hundreds and election districts in this State, shall be held by ballot biennially in the hundreds and election districts aforesaid, on the Tuesday next after the first Monday in November, at the same time and in the same places as are now by law appointed for holding the general election, and the said assessors and inspectors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

Time and
place of
holding gen-
eral elec-
tions.

SECTION 2. Immediately upon closing the election aforesaid and ascertaining the state of the vote, the inspector and judges of the election in the several hundreds aforesaid, shall make and sign four certificates of the persons elected as assessor and inspector for said hundred, and shall cause the same to be transmitted without delay, to wit: one to the assessor elected, one to the inspector elected, one to the Clerk of the Peace of the county, to be laid before the Levy Court, and one to the Sheriff of the county. Said certificates shall be of the following form, viz:

Certificates
of election.

To whom
delivered.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

Form.

——— COUNTY, SS.

At an election held in ——— hundred, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ———, ——— was duly elected Assessor, and ——— was duly elected Inspector.

In testimony whereof we, the judges of said election, who were in due manner sworn or affirmed before opening said election, have hereunto set our hands the day and year aforesaid.

Counting of votes.

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the inspector shall give an additional casting vote.

Tie.

Division of hundred into several districts.

SECTION 3. If the hundred in which said election is held is divided into two or more election districts, the inspector and judges of the election in each of said districts shall make and sign certificates according to Section 2 of this act, varying from the form therein prescribed for that purpose, by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor.

Form of certificate.

Meeting of inspectors and judges.

SECTION 4. The inspector and judges of each election district, where said hundred is divided into two or more election districts, shall assemble on the day next succeeding said general election, at 12 o'clock, M., at the place of voting in said hundred as now by law required for the place of assembling of the presiding officers and judges of the election heretofore held on the first Tuesday of October respectively, and shall ascertain the aggregate number of votes given in all the districts of said hundred for each person voted for for assessor. The candidate having the highest number of votes shall be declared duly elected assessor. If two candidates for said office shall have the highest and an equal number of votes, an additional casting vote shall be given by the inspector of that election district in said hundred as now by law given to the presiding officer of said district of the election heretofore held on the first Tuesday in October for the election of assessors and inspectors. *Provided, however,* that the provisions of this section shall not apply to Wilmington hundred.

Time.

Ascertainment of votes.

Tie.

Not applicable to Wilmington hundred.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

SECTION 5. The inspectors and judges of the several election districts of Wilmington hundred, immediately after making the certificates required by Section 3 of this act, shall assemble in the City Hall, and the inspectors and judges of the election districts comprised within the first assessment district as laid out and established by the act entitled "An act providing for the election of three assessors for Wilmington hundred," passed April 6, 1883, shall ascertain the number of votes given for assessor in the said election districts so comprised as aforesaid; and the candidate having the highest number of votes shall be declared assessor of the said first assessment district. And the said inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by this act for certifying the election of the assessors of the several hundreds; and the inspectors and judges of the election districts comprised within the second assessment district as laid out and established by the act aforesaid, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared elected assessor of the second assessment district, and the inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed as aforesaid; and the inspectors and judges of the election districts comprised within the third assessment district as laid out and established by the act aforesaid, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said third assessment district; and the inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed as aforesaid. If two candidates for the office of either of the assessment districts aforesaid shall receive the highest and at the same time an equal number of votes, the inspectors of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

Meeting of inspectors and judges. Time.

First assessment district.

Counting of votes.

Certificates of election.

Second assessment district.

Third assessment district.

Tie.

Inspectors of the districts duty.

SECTION 6. The duties of the assessors and inspectors elected under the provisions of this act shall be the same as those prescribed by law for the assessors and inspectors heretofore elected on the first Tuesday of October, and all laws applicable to assessors and inspectors heretofore elected under the provisions of Chapters 17 and 19 of the Revised Statutes

Duties of assessors and inspectors.

Present laws applicable when not inconsistent with this act.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

of this State, and not inconsistent with this act, shall apply to assessors and inspectors of the several hundreds and assessment districts hereafter to be elected under the provisions of this act.

SECTION 7. For the purpose of carrying into effect the object and purposes of this act, the inspectors at the last general election in the several hundreds and election districts in this State shall be the inspectors in said several hundreds and election districts at the general or any special election to be held next succeeding the passage of this act; and in case of any vacancy among said inspectors by death, resignation, removal out of the hundred or election district, refusal to serve, or otherwise, or in case of any such vacancy among the inspectors to be hereafter elected as aforesaid, the Levy Court of the county in which such vacancy shall happen shall appoint some qualified voter of such district or hundred to be the inspector thereof, who shall have all the powers and perform all the duties given to and imposed upon inspectors of said election; and in case of such vacancy, it shall be the duty of the chairman of the Levy Court in the respective counties for the time being, and he is hereby authorized to call a special meeting of said Levy Court for the purpose of filling said vacancy; but if, from any cause, such vacancy exists at the time of holding said general election the provisions of Section 10, Chapter 18 of the Revised Code, 1874, shall apply as heretofore.

SECTION 8. The Levy Court of each county shall meet at the Court House in said county on the Tuesday next after the general election for the purpose of qualifying said assessors hereafter to be elected under this act, and giving to them the instructions and performing such other duties as are prescribed by the provisions of Section 8, Chapter 8 of the Revised Code, entitled "Of the Levy Court;" and the said Levy Courts may, in case of necessity, appoint another day or other days for the appearance of the assessors, or any of them, to take their official oath and receive the instructions aforesaid.

SECTION 9. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 13, 1883.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

CHAPTER 30.

OF THE ELECTION OF ASSESSORS.

AN ACT providing for the Election of three Assessors for Wilmington Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That for the purpose of a more convenient assessment of persons and property in Wilmington hundred of the County of New Castle, the said hundred shall be divided into three assessment districts, as follows: ^{Three assessment districts.}

All the portion of said hundred comprised within the limits of the First, Second, Fourth and Eighth Wards of the City of Wilmington, as now laid out and established by law, shall be the first assessment district of the said hundred; and all that portion of the said hundred comprised within the limits of the Third, Fifth, Tenth and Eleventh Wards of the said city, as now laid out and established by law, shall be the second assessment district; and all that portion of the said hundred comprised within the limits of the Sixth, Seventh and Ninth Wards of the said city, as now laid out and established by law, shall be the third assessment district. ^{Boundaries.}

SECTION 2. That an election for the purpose of choosing an assessor for each of the said assessment districts shall be held at the time and in the manner prescribed by Chapter 17 of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the City of Wilmington. ^{Elections. When held.}

SECTION 3. That every citizen qualified to vote for inspector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no person shall be elected assessor under the provisions of this act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected. ^{Qualification of voters. Qualification of assessor.}

SECTION 4. Immediately after making the certificate required by Section 8 of Chapter 19 of the Revised Statutes of ^{Meeting of officers.}

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

When and where.

Ascertainment of vote.

Certificates.

Tie.

Duties of Assessors.

this State, the presiding officers and judges of the several election districts of the said hundred shall assemble in the City Hall, and the presiding officers and judges of the election districts comprised within the first assessment district aforesaid, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the said election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said first assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by law for certifying the election of the assessors of the several hundreds. And the presiding officers and judges of the election districts comprised within the second assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said second assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. And the presiding officers and judges of the election districts comprised within the third assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said third assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. If two candidates for the office of assessor of either of the assessment districts hereby laid out and established shall receive the highest and at the same time an equal number of votes, the presiding officers of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

SECTION 5. The duties of the assessors elected under the provisions of this act shall, within the assessment districts hereby established, be the same as those prescribed by law for the assessors of the several hundreds, and all laws applicable to assessors elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State and not incon-

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

sistent with this act, shall apply to assessors of the assessment districts hereby established.

SECTION 6. That the assessors of the first and second assessment districts of said hundred now in office shall be assigned to such of the districts hereby created as the Levy Court of New Castle county shall, by resolution, determine; and after such assignment shall be the assessors of such districts respectively, to all intents and purposes, and perform all the duties of assessors in the same now prescribed by law for the assessors of the several hundreds, and hold their said offices subject to the laws now regulating the same, and until the terms for which they were elected shall expire by law. And the said Levy Court shall also appoint an additional assessor for the remaining districts hereby created, who shall hold office until the next election of assessor under the law and the provisions of this act; who shall, by virtue of such appointment, be clothed with all the powers and subject to all the duties of an assessor within the said district now prescribed by law, as fully as if he had been elected under the provisions of this act.

SECTION 7. That the said Levy Court shall assign each of the assessors now elected to one of the districts created under the provisions of this act on the first Tuesday in May of the present year, and at the same time shall appoint the additional assessor for the remaining districts. Each of said assessors shall appear before said Levy Court on the third Tuesday in said month, and on any other day the said court may require, to be qualified, and also to be instructed in their duties as such assessors, and shall immediately thereafter enter upon their duties under the provisions of this act.

SECTION 8. That upon such qualifications, each of said assessors shall make a general assessment of all the real and personal property in his district liable to taxation, and shall also assess the poll rate of every freeman of the age of twenty-one years and upwards. Each assessor shall complete the assessment for his district by the first day of January next, and such assessment shall be posted, corrected, and returned to the Levy Court, as now provided by law; and all the laws now in force relating to general assessments shall apply to the assessment to be made under this act, save such as may be inconsistent herewith. The assessments made under this act, however, shall stand and be acted on until

OF THE GENERAL ELECTION.

the next general assessment, as now provided by the statutes of this State.

SECTION 9. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, April 6, 1883.

CHAPTER 31.

OF THE GENERAL ELECTION.

AN ACT in relation to the Election of Road Commissioners in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Election of
road com-
missioners.

Term of
present com-
missioners.

SECTION 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November, elect the road commissioners for said hundreds, according to the rotation now established. All of said commissioners, whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act, shall continue to hold office until the time of holding the same.

Certificates.

To whom
transmitted.

SECTION 2. Immediately upon closing the election aforesaid in the several hundreds, and ascertaining the state of the vote, the inspector and judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected road commissioner or commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the road commissioners elected, and one to the Clerk of the Peace of the county, to be filed in his office. Said certificates shall be of the following form, viz:

OF THE GENERAL ELECTION.

NEW CASTLE COUNTY, SS.

Form.

At the general election held in _____ hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred and _____, _____ was duly elected road commissioner for said hundred.

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

SECTION 3. If the said hundred in which said election is held is divided into two or more election districts, the inspectors and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the same time and in the same places of voting as now by law required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of road commissioner or commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

Certificates when hundred is divided.

Meeting.

When and where.

Ascertainment of vote

Certificate. The.

Passed at Dover, April 10, 1883.

OF THE GENERAL ELECTION.

CHAPTER 32.

OF THE GENERAL ELECTION.

AN ACT to amend Section 21 of Chapter 18 of the Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met:

Section 21,
Chapter 18,
Revised
Code
amended.

SECTION 1. That Section 21 of Chapter 18 of the Revised Statutes of the State of Delaware, as republished in 1874, be and the same is hereby amended by striking out the word "five," in the first line of said section, and inserting in lieu thereof the word "six."

Passed at Dover, April 18, 1883.

CHAPTER 33.

OF CONTESTED ELECTIONS.

AN ACT in relation to Contested Elections other than for Members of the General Assembly and Governor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Who may
contest.

Causes.

SECTION 1. Any person claiming to be elected to an office to be exercised in and for any county or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For malconduct on the part of the officers or judges holding the election, or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

OF CONTESTED ELECTIONS.

SECTION 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

When irregularities shall not invalidate.

SECTION 3. When any election held for an office, exercised in and for a county, is contested for any mal-conduct on the part of the officers or judges of election, or any one of them, in any hundred or election district, the election shall not be annulled or set aside upon any proof thereof unless the rejection of the vote of such hundred or hundreds, election district or election districts, shall change the result as to such office in the remaining vote of the county.

Not void except in certain cases.

SECTION 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

When set aside for illegal voting.

SECTION 5. In cases arising under the second and third causes of contest, specified in section one of this act, a proceeding may be instituted under this act against such person by the person who received the next highest number of votes for the office at the election under which such ineligible person was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Proceeding in case of ineligibility of person elected.

SECTION 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, file with the Prothonotary of the Superior Court of this State, in and for the county in which said contest is made, a written statement, setting forth specifically:

Written statement to be filed by contestant. What to contain.

OF CONTESTED ELECTIONS.

1st. The name of the person contesting such election; 2d. The name of the person whose right to the office is contested; 3d. The office; 4th. The particular cause or causes of such contest; which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes, and that the said contest is made in good faith.

What
alleged in
case of ille-
gal voting.

SECTION 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified hundred or hundreds, election district or election districts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least four days before the trial, a written list or statement: 1st. Of the number of illegal votes and the general character of their illegality; 2d. The hundred or hundreds, election district or districts in which said votes were cast; 3d. That he intends to prove, or endeavor to prove, the contents of said statement in the trial. And no testimony shall be received of any greater number of illegal votes than is specified in such list. The name or names of the alleged illegal voters need not be given in said list or statement.

Written
statement to
opposite
party.
What to
contain.

No state-
ment reject-
ed for want
of proper
form.
Exception.

SECTION 8. No statement of the cause or causes of contest shall be rejected, nor the proceedings thereon dismissed for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which the election is contested.

Duty of Pro-
thonotary.

SECTION 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket, as an issue to be tried at the next succeeding term of the Superior Court of said county, and immediately issue a citation for the person whose right to the office is contested, to appear on the first day of the next succeeding term of said court to make such defense as he may have in said case; which citation shall be delivered to the Sheriff, or if he be a party to the contest, to any constable of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a

Citation.

Notice.
How served.

OF CONTESTED ELECTIONS.

copy thereof at the house where he last resided, at least five days before the day to which such citation is returnable. The original citation shall be returned to said Prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same. Return.

SECTION 10. The court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed, the case shall proceed upon its merits and be tried and determined by the court, by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable. And the said cause shall be tried at the first term of said court next after the filing of the statement of the cause or causes of contest, unless the court, for some good cause shown by either party, and supported by affidavit, deem it necessary for the ends of justice to continue the same. The costs of the continuance may, in the discretion of the court, be taxed upon the party applying therefor. Court may dismiss.

SECTION 11. The costs in all cases of contest under this act shall be awarded to the various parties entitled thereto, in the same manner, and as near as can be, to the same amount as for like services in other cases tried in said court. When triable.

SECTION 12. All cases of contest under this act shall be fully heard and determined by the court, without the aid or intervention of a jury, *unless* one or both of the parties to the contest shall claim a trial by jury, and the court shall, in their judgment, determine that it is a case which, under the constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empannelled and the cause proceed according to the rules and practice of the court in jury trials. Trial by Court.

SECTION 13. In the trial of any contested election under this act, the court shall have full authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have Exception.

OF CONTESTED ELECTIONS.

tried said cause), either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

Election. **SECTION 14.** If it appear by the judgment of the court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment shall be rendered declaring such person duly elected; which judgment, if it be in relation to an officer entitled under the provisions of law of this State to a commission, must be certified by the Prothonotary of said court to the Governor, who must commission such person, and such judgment shall have the effect of depriving the person whose election is contested of all right or claim to such office, and of investing the person declared by such judgment duly elected with the right to the same, and the court shall order a writ of possession to issue for the same. Said writ shall be directed to the Sheriff, or if he be a party to the contest, to any constable of the county. The officer's fee for executing the said writ shall be the same as is now allowed for serving other writs of possession.

Prothonotary to certify to Governor.

Effect of judgment.

Writ for possession.

Fee.

When election is void. **SECTION 15.** When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause.

Vacancies, how filled.

Execution for costs. **SECTION 16.** Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Contestant to give security for costs. **SECTION 17.** Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Passed at Dover, March 14, 1883.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 34.

GENERAL PROVISIONS RESPECTING PUBLIC OFFICERS.

AN ACT to amend Section 9 of Chapter 24 of the Revised Statutes of the State of Delaware, entitled "General Provisions Respecting Public Officers."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 9 of Chapter 24 of the Revised Statutes of the State of Delaware, entitled "General provisions respecting Public Officers," be and the same hereby is amended by striking out the word "sixteen" in the seventh line of said section, and inserting in lieu thereof the word "fifty."

Section 9,
Chapter 24,
Revised
Code
amended.

Passed at Dover, January 16, 1883.

CHAPTER 35.

OF THE SECRETARY OF STATE.

AN ACT concerning Original Bills, Resolutions, Petitions, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to have erected, in the room

Duties of
Secretary of
State.

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND

Original
bills, &c.

of the Clerk of the House, such cases as, in his opinion, may be necessary and proper in which to file the original bills, resolutions, petitions, &c., which are now or may hereafter be therein. That he shall, so soon as the said cases are erected, assort and arrange, according to legislative session, the said bills, resolutions, petitions, &c., now in the said room, and properly label and file the same, keeping the Senate papers separate and distinct from those of the House. He shall deliver to the State Librarian all copies of original journals that may be now in the said room, to be by him placed in the State Library.

Papers.
How kept.Original
journals.Duties of
Clerks.

SECTION 2. That hereafter the Secretary of the Senate and the Clerk of the House shall, at the end of each session of the General Assembly, deliver to the Secretary of State, for the time being, all the original bills, resolutions, petitions, &c., of the session just ended, to be by him labeled and filed as aforesaid; and it shall also be the duty of the said secretary and the said clerk, so soon as their respective journals have been published, to deliver the originals to the State Librarian, to be by him placed in the State Library.

Custody of
original
journals.Allowance
to Secretary.

SECTION 3. That the Legislative Committee, at its session in January, A. D. 1884, is hereby authorized to make to the Secretary of State such an allowance as it may seem just for the work herein authorized to be done, and to draw a draft on the State Treasurer to pay the same.

Passed at Dover, April 19, 1883.

CHAPTER 36.

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND.

AN ACT to amend Chapter 29 of the Revised Code, entitled "Of the State Treasurer and Trustee of the School Fund."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3 of
Chapter 29
of Revised
Code
amended.

SECTION 1. That Chapter 29 of the Revised Code, entitled "Of the State Treasurer and Trustee of the School

OF THE AUDITOR OF ACCOUNTS.

Fund," be and the same is hereby amended by striking out the words "first and twentieth days of December" in lines two and three of Section 3 of said chapter, and substituting in lieu thereof the words "twentieth day of December and the first day of January."

Passed at Dover, April 4, 1883.

CHAPTER 37.

OF THE AUDITOR OF ACCOUNTS.

AN ACT to amend Chapter 30 of the Revised Code, entitled "Of the Auditor of Accounts."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 30 of the Revised Code, entitled "Of the Auditor of Accounts," be and the same is hereby amended by striking out the words "first and twentieth days of December" in the 4th line of Section 3 of said chapter, and substituting in lieu thereof the words "twentieth day of December and the first day of January." Sections 3 and 9 of Chapter 30 of Revised Code amended.

SECTION 2. That said chapter be and the same is hereby further amended by adding at the end of Section 9 thereof the following: "The Auditor shall cause six hundred copies of said report to be printed for the use of the General Assembly, which shall be done under his supervision, and he may retain fifty copies thereof for his own use." Auditor's report.

Passed at Dover, April 4, 1883.

OF SHERIFFS.

CHAPTER 38.

OF SHERIFFS.

AN ACT to amend Chapter 117, Volume 13, Laws of Delaware.

Section 9 of
Chapter 117,
Volume 13
amended.

Duties of
sheriff and
constable in
respect to
venders of
goods by
samples.
Fee for
arrest.
Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):* That Section 9, Chapter 117, Volume 13, be amended by adding the following after the word "herewith" and before the word "every" in the fifteenth line of said section: "Any sheriff or constable performing the duties provided in this section shall be entitled to the sum of five dollars for every arrest of any person vending goods, wares and merchandise by samples or otherwise without license, to be collected from defendant with and as the other costs of proceedings are collected; *provided, however,* the person so arrested shall be found not to have had any license."

Sheriff or
other officer
accepting
bribe.

Misdemean-
or. Penalty.

SECTION 2. Any sheriff or police officer, or constable who, having made an arrest under said section, shall accept or receive any money as a condition of releasing the person arrested without prosecution, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred (\$100) dollars, or imprisoned not exceeding twenty days, or both, in the discretion of the court.

Passed at Dover, March 29, 1883.

CHAPTER 39.

OF CONSTABLES.

AN ACT to amend Section 5, Chapter 34, Revised Statutes of the State of Delaware, entitled "Of Constables."

Section 5,
Chapter 34,
Revised
Code
amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Section 5 of Chapter 34 of the Revised Statutes be and the same is hereby amended by adding these words: "Nor shall this restriction apply to Red Lion Hundred, New Castle county."

Passed at Dover, February 9, 1883.

OF CONSTABLES.

CHAPTER 40.

OF CONSTABLES.

AN ACT allowing an additional Constable in Christiana Hundred, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Levy Court of New Castle County be and they are hereby authorized and required to appoint an additional constable in New Castle county, who shall reside in the town of Newport, in Christiana hundred, in said county. The office of constable hereby created shall continue until this act shall be repealed, and the appointment thereto shall be made and vacancies filled as provided by the laws and constitution of this State.

Authority to
appoint an
additional
constable for
Christiana
hundred,
New Castle
county.

Passed at Dover, March 22, 1883.

CHAPTER 41.

OF CONSTABLES.

AN ACT creating an additional Constable for Sussex County, to reside in Broadkiln Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional constable for Sussex county, to reside in Broadkiln hundred.

Additional
constable for
Sussex
county.

SECTION 2. That the constable so appointed shall hold his office from the date of his appointment till the convening of the Levy Court of said county in the month of March, 1884, at which time his successor shall be appointed by the said Levy Court, as is provided by the statute laws of this State.

Term of
office.

Successor.

SECTION 3. That all laws or parts of laws inconsistent herewith are hereby repealed, made null and void.

Passed at Dover, April 10, 1883.

OF PROTHONOTARIES.

CHAPTER 42.

OF PROTHONOTARIES.

AN ACT requiring the issuing of a Scire Facias in a Mortgage to be noted on the record thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Prothonotary's duty in writs of Scire Facias on mortgages. Certificate. Deliver to Recorder.

Recorder shall enter on margin of record.

Fee taxed as costs.

SECTION 1. Upon the issuing of a scire facias upon a mortgage it shall be the duty of the Prothonotary of the Superior Court who issues the same to certify to the Recorder of Deeds of the county where such mortgage is recorded, within five days after the issuing of said writ, the names of the parties, plaintiff and defendant therein, together with the number of the writ and the term to which it may be returnable, and the said Recorder shall at once mark the same in brief upon the margin of the record of the said mortgage.

SECTION 2. For the service rendered by the Prothonotary and Recorder under this act they [shall] each receive a fee of twenty-five cents, to be taxed as a part of the costs in the case and paid in the same manner.

Passed at Dover, February 28, 1883.

CHAPTER 43.

OF PROTHONOTARIES.

AN ACT authorizing the Prothonotary of New Castle County to make a certain Judgment Index.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Prothonotary of the Superior Court of the State of Delaware in and for the County of New Castle is hereby authorized and directed to make, or cause to be made, an index (pursuant to the Campbell's system of indexing,) of all unsatisfied judgments entered or signed in the Superior Court from the first day of November, A. D. eighteen hun-

Prothonotary authorized to make index of unsatisfied judgments.

OF PROTHONOTARIES.

dred and seventy-three (1873), and extending up to and including the judgment index now in use in said county.

SECTION 2. *And be it further enacted*, That if the Prothonotary of the Superior Court shall index said judgment index as aforesaid, then that John H. Rodney and Alexander B. Cooper, Esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said new judgment index and compare it with the original indexes and records after the said Prothonotary shall have completed it, and if they approve of the execution thereof they shall certify on the record the same to be a true and correct index; and that then and after such certificate the said index shall become and be the judgment index of the Superior Court of the State of Delaware in and for said county for the period aforesaid; and the said commissioners shall be allowed a reasonable compensation, by the Levy Court of said county, for their said services.

Commissioners to examine.
Approval and certification.
Compensation.

SECTION 3. *And be it further enacted*, That the said Prothonotary shall receive for his services in making said index, authorized by this act, a just and reasonable compensation, to be allowed by the Levy Court of New Castle county.

Compensation of Prothonotary.

Passed at Dover, March 20, 1883.

CHAPTER 44.

OF JUSTICES OF THE PEACE.

AN ACT to amend an act entitled "An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for Sussex County, to reside in Indian River Hundred," passed at Dover, March 13th, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring):

SECTION 1. That the act entitled "An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for Sussex county, to reside in Indian River hundred," passed at Dover, March 13th, 1871, be and the

Chapter 34, Volume 14, amended.

OF IMMIGRATION COMMISSIONERS.

same is hereby amended by inserting, between the word "Railroad" in 5th line of Sec. 1 of said act and the word "also" in 6th line of Sec. 1 of said act, the following: "and may hold his office at Harbeson Station."

Passed at Dover, April 11, 1883.

CHAPTER 45.

OF IMMIGRATION COMMISSIONERS.

AN ACT for the Encouragement of Immigration, and to Foster the Agricultural Interests of the State.

Preamble.

WHEREAS the agricultural interests of this State are regarded by this General Assembly as of primary importance; and whereas it is manifest that in order to the development of our uncultivated lands and the fixed and permanent establishment of a population corresponding with the capacity of our sparsely-populated territory; and whereas the agricultural interests of Delaware demand an increase of labor to furnish increased facilities to plant and harvest the various crops grown, it is eminently expedient for us at this time to invite the population of other States, both American and European, to fix their homes and invest their capital with us; and whereas it is necessary, in order to this end, that the inhabitants of distant countries shall be particularly advised and informed of our form of government, and of the numerous advantages of climate, soil and productions which are here offered to foreigners seeking settlement in other countries; and whereas many active and efficient agencies exist capable of giving a wide distribution to such authentic publication as the State may make of her many advantages and inducements to settlers from foreign States and States of the Union; now therefore, the more effectually to diffuse the information aforesaid, for the purposes aforesaid and for the objects of this act,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That within thirty days after the passage of this act (and biennially thereafter on the second Tuesday of

OF IMMIGRATION COMMISSIONERS.

December), the Governor shall appoint three suitable persons, one from each county, residents of this State, of good moral character, and well qualified for the place, as a Board of Immigration of the State of Delaware, who shall hold the said positions (for the term of two years), unless removed by the Governor for sufficient cause. The Governor shall have power to fill any vacancies caused by death, resignation, or otherwise.

Governor shall appoint three commissioners.

Term, two years.

Vacancies. How filled.

SECTION 2. The said commissioners shall receive no compensation for their services, but may reimburse themselves their necessary expenses out of the funds hereinafter provided for to be expended by them; *provided* that the warrants for expenses incurred by the provisions of this act are drawn by the Governor, who shall also be *ex-officio* member of said board.

No compensation.

Allowance for expenses. Proviso.

Warrant drawn by Governor.

SECTION 3. The duties of said commissioners shall be:

Duties of commissioners.

First. To use all proper means to induce immigration into this State, and for this purpose they are hereby authorized to and may advertise in one or more papers or magazines published in Europe and elsewhere, as they may deem best; *provided* that they shall at all times exercise due care to prevent the bringing into the State any person or persons who might endanger the public morals, health, or peace, or good order of its citizens;

Means of inducing immigration

Should prevent the introduction of improper persons.

Second. To prepare and publish pamphlets, with maps of the State and counties, essays and articles correctly describing the developed and undeveloped agricultural interests of the State, with information as to the general adaptation of the soil of the different counties for the various products, and such other local information as may be of interest to immigrants;

Publishing pamphlets, with maps descriptive of country.

Third. To employ such means as may be at their disposal to properly represent the advantages of schools, climate, soil, diversity of crops grown, and facilities of communicating, offered by Delaware to persons desiring to secure homes;

Schools, climate, soil, etc.

Fourth. To contract with and appoint an agent or agents in Europe and elsewhere, and by such other methods as their judgment may direct, invite and encourage immigration to this State;

To contract with agents in Europe and elsewhere.

Fifth. To make contracts with railroads, steamboat lines and other transportation companies, securing a low rate of

With transportation lines.

OF IMMIGRATION COMMISSIONERS.

fare to emigrants; and to make necessary preparations for their reception and temporary accommodation;

Local agricultural societies.
To obtain foreign labor

Sixth. To encourage the formation of, and when requested, advise as to the best measures of establishing local agricultural societies for the procuring of foreign labor, and, as far as in their power, supply the wants of such societies, without partiality or favoritism, when made through their proper officers; *provided always* that no expense is incurred by the State.

No expense to the State.

Commissioners prohibited from receiving any compensation except as allowed by this act.
Proviso.

SECTION 4. It shall not be lawful, under penalty of forfeiture of commission, for said commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this act; *provided always* that said commissioners are not hereby prohibited from inviting the co-operation of transportation companies in furtherance of the purposes of this act, and accepting such courtesies and facilities as they may tender them.

Annual settlement with Auditor.
Report to Governor.

SECTION 5. That said commissioners shall, annually, on or before the second Tuesday of December, settle with the State Auditor and make a full report to the Governor, to be by him laid before the Legislature at its biennial sessions.

Annual appropriation.

SECTION 6. That the sum of three thousand dollars annually is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act; and the Auditor is hereby directed, at the discretion of the Governor, to issue his warrant on the State Treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

Auditor to issue warrant on State Treasurer.

In force two years.

SECTION 7. That this act shall remain in force for two years, and no longer.

Passed at Dover, April 10, 1883.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 46.

OF RELIGIOUS SOCIETIES.

AN ACT to amend an act entitled "A Supplement to an act to incorporate the Rehoboth Beach Camp Meeting Association of the Methodist Episcopal Church," passed at Dover, January 27, 1873, and which said supplement was passed at Dover, March 22, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That Section 1 of said supplement be and the same is hereby amended by striking out the words "Camp Meeting," in the third line thereof, and the words "of the Methodist Episcopal Church" in the fourth line thereof. Chapter 392,
Volume 14,
Chapter 355,
Volume 15,
amended.

SECTION 2. That Section 1 of said supplement be and the same is hereby amended by striking out the words "Board of Directors," in the ninth line thereof, and insert in lieu thereof the words "Treasurer of said association."

SECTION 3. That said treasurer shall, in case of the sale of any lands and tenements made by him for the collection of any assessment or tax, make return of such sale to the next term of the Superior Court at Georgetown, and said court may inquire into the circumstances, and either approve or set it aside. If it be approved, the president shall make a deed to the purchaser, which shall convey the title of the taxable. If it be set aside, the court may order another sale, and so on until the tax be collected. If it be made appear to the court that a sale of part of the premises cannot be made, a sale of the whole may be ordered, and such disposal of the Treasurer to
make return
of sale to
Superior
Court.
Jurisdiction
of Court.

Deed.
Resale.

Proceeds.

OF FREE SCHOOLS.

Proviso.
Return of
sale. When.

surplus proceeds of said sale shall be made as may be deemed just; and that the provisions of this section shall extend to all sales of lots heretofore made by the said association; *provided* said sales be returned to the Superior Court in and for Sussex county as aforesaid within one year from the passage of this act.

No deed
made within
two years.

Redemption

Amount.

Evidence of
demand of
taxes.

SECTION 4. That no sale shall be approved if the owner be ready at court to pay the taxes and costs, and no deed shall be made until the expiration of two years from the time of sale, within which time the owner, his heirs, executors or administrators shall have power to redeem the land on payment to the purchaser, his heirs or assigns, the amount of the purchase money and twenty per cent. interest. The treasurer's oath shall in all cases be competent to prove a demand of taxes; a demand upon a non-resident may be lawfully made through the post office and addressed to him at his usual place of abode.

Passed at Dover, April 18, 1883.

CHAPTER 47.

OF FREE SCHOOLS.

AN ACT to appropriate Money for Free Schools in this State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

\$25,000 an-
nual appro-
priation.

How divided

Division
among dis-
tricts.

SECTION 1. That the sum of twenty-five thousand dollars be and the same is hereby appropriated annually out of any funds in the Treasury for the free schools in this State, and that the sum so appropriated be divided between the counties as follows: to New Castle county, ten thousand dollars; to Kent county, seven thousand five hundred dollars, and to Sussex county, seven thousand five hundred dollars. The amounts appropriated to Sussex and Kent counties by this act shall be respectively divided in each county equally among the school districts, including any new districts made by the Legislature or Levy Court before the passage of this

OF FREE SCHOOLS.

a^ct. The amount appropriated for New Castle county by this a^ct shall be divided among the school districts in proportion to the number of children enrolled in the schools thereof; *provided* that new districts shall share pro rata upon the basis of the number reported to the Levy Courts at the time they are created.

How divided in New Castle county.
Proviso.

SECTION 2. That no district in Sussex county shall receive any appropriation from the State until it has raised, by tax, the sum of seventy-five dollars.

District in Sussex must raise \$75.

SECTION 3. That no part of the moneys received by the school committees in the several districts of this State, either from the amount required to be raised by taxation without regard to a vote thereon, or from the income of the present school fund of the State, or from the annual appropriation directed to be made by the provisions of Section 1 of this a^ct, shall be used or expended in the construction, alteration, or repair of any school houses or other buildings for school purposes, or for the procuring of the furniture therefor; but all the said several sums of money shall be used, expended and applied by the said several school committees as aforesaid solely for defraying the expenses of maintenance of the free schools in the school districts in the State.

No part of appropriation to be used for school buildings, etc.

SECTION 4. That Chapter 369 of Volume 16, Laws of Delaware, be and the same is hereby amended by striking out the words "eight hundred" in line four of Section 4 of said chapter, and insert in lieu thereof the words "one thousand."

Section 4, Chapter 369, Volume 16, amended.
Salary of Assistant Superintendent

SECTION 5. The State Superintendent of Free Schools shall distribute the school books used in the public schools of the State at the price at which they were purchased, as prescribed by Section 5, Chapter 369, Volume 16 of the Laws of Delaware, in at least ten places in each of the several counties of the State as he may select, and it shall be the duty of the persons receiving the same to distribute the same to the scholars, or their parents, guardian, or other person, as they may desire, upon the receipt of the price for the same, with the addition of five per centum on the price of each book so sold, which shall be forwarded by the person or persons receiving the same to the State Superintendent within thirty days thereafter, less the five per centum as aforesaid, which they shall retain in payment for their cost and

Distribution of school books.
How.
Prices.

OF FREE SCHOOLS.

Safe keeping of books. trouble. The persons receiving the books as aforesaid shall be responsible for the safe keeping of the same, and also for the price of the books sold. They shall, at the end of each month, make a report to the State Superintendent, showing the sales, to whom made, and the moneys collected. Any money or the value of the books which such person may fail to account for according to law may be recovered, in the name of the State by the State Superintendent; before a justice of the peace, as other debts are recoverable when the amount does not exceed one hundred dollars. The State Superintendent shall furnish all the schools with a price list, with the five per centum added as aforesaid, of the school books used in the State, together with a statement with whom and the places where the same are deposited. He shall also pay over to the State Treasurer, quarterly, the money received for the sales of books as aforesaid, and also at the same time furnish the State Treasurer with a list of the school books and their respective prices supplied and distributed to the persons for sale as aforesaid.

Proceeds of sale of books Monthly reports.

Remedy for default.

State Superintendent to furnish price list, etc.

Quarterly Payments to State Treasurer.

List of books

Annual examination of teachers. SECTION 6. That, in addition to the examination and certificates of persons who propose to teach in this State, as prescribed by Chapter 50, Volume 15 of the Laws of Delaware, and the amendments thereto, there shall also be an annual examination, under the supervision of the State Board of Education, of all persons who may apply to the same for that purpose. Every applicant who is of good moral character, and who shall be found qualified to receive a first grade certificate, as provided by the provisions of Chapter 45, Volume 16 of the Laws of this State, and who shall also have had ten years experience in teaching schools, shall receive a certificate thereof under the hand of the State Board of Education, which certificate, so issued, shall be good for and during the life of the person so receiving the same; *provided, however*, that the said certificate may be revoked at any time by the said State Board of Education for good and sufficient cause.

Supervision of State Board.

Qualification.

Life certificate.

Proviso.

SECTION 7. That all acts and parts of acts inconsistent with or contrary to the provisions of this act be and the same are hereby repealed, made null and void.

Duty of Superintendent. SECTION 8. It shall be the duty of Superintendent of Free Schools to ascertain the amount due to each school district or consolidation of districts in the State under the

OF FREE SCHOOLS.

provisions of this act, and to furnish a schedule thereof to the State Treasurer on or before the first day of June in each and every year. The amounts hereby appropriated and so ascertained shall be paid by the State Treasurer, in the proportions provided in Section 1, to the order of the school commissioners of the respective districts, or of the boards of education of consolidated school districts, when demanded by them after the ascertainment so made.

Furnish
schedules to
State Treas-
urer an-
nually.

Payments
by State
Treasurer to
school com-
missioners.

Passed at Dover, April 19, 1883.

CHAPTER 48.

OF FREE SCHOOLS.

AN ACT for the Maintenance of Colored Schools in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the sum of five thousand dollars be and the same is hereby appropriated annually, from the State Treasury, to be expended for the purpose of educating the colored children of this State.

\$5,000 an-
nual appro-
priation for
colored
schools.

SECTION 2. That the said sum of five thousand dollars shall be divided into three equal parts; one of said parts to be expended in New Castle County, one in Kent County, and one in Sussex County, and each sum, so divided as aforesaid, shall be paid by the State Treasurer to the County Treasurer of each county respectively, on or before the first day of October in each and every year, beginning with the year one thousand eight hundred and eighty-three.

How divided

Payment to
County
Treasurer.
When.

SECTION 3. All moneys collected under the act entitled "An act to tax colored persons for the support of their own schools," passed March 24, 1875, as amended by an act entitled "A supplement to the act entitled 'An act to encourage the education of the colored people,' passed April 8, 1881," shall be paid as other taxes to the County Treasurer in each

Moneys col-
lected under
Chapter 48,
Volume 15.

To whom
paid.

OF FREE SCHOOLS.

How kept. county, which he shall keep as a separate and distinct fund for the support and maintenance of colored schools in said county, and which shall be paid and expended by said County Treasurer as hereinafter provided.

Duty of
State Super-
intendent.

SECTION 4. The State Superintendent of Free Schools in this State shall have the general supervision of the colored schools in the State, and it shall be his duty in the month of October, of each and every year, to inform the County Treasurers in the several counties of the number of the several colored schools in his county which have remained open for at least three months during the school year with an average attendance of at least twelve scholars.

Duty of
County
Treasurer.

SECTION 5. The County Treasurers in the several counties aforesaid, shall divide the money appropriated under this act equally among the several colored schools in said county, as mentioned in Section 2 of this act, and the moneys collected under the act mentioned in Section 3 aforesaid shall be

Distribution
of moneys.

equally distributed by said Treasurer among the colored schools in said hundred, and in case there shall not be any school kept and maintained in any hundred during the year, as required by this act, the amount paid in from said hundred shall be retained and held by the said treasurer until a school or schools shall be organized and kept in such hundred, when, it shall be applied towards the support of such school or schools.

County
Treasurer to
furnish state-
ment.

SECTION 6. The County Treasurer of each county shall furnish the State Superintendent with a statement showing the *pro rata* share to which each colored school is entitled to

Payments.
How made.

receive as aforesaid, and the share aforesaid shall be paid by an order drawn by the State Superintendent in favor of the school entitled thereto, and the amount so drawn shall be

Duty of col-
lector.

paid by the collector of county taxes of the hundred in which said colored school is situated, which sum so paid as aforesaid by the collector shall be allowed by the County Treasurer and Levy Court of the respective counties.

Section 4 ap-
plicable to
taxes for
colored
schools.

SECTION 7. That the provisions of Section 4 of Chapter 354, Vol. 16, Laws of Delaware, shall apply to the taxes collected under and by virtue of the act entitled "An act to tax colored persons for the support of their own schools," passed March 24, 1875, and the several amendments and supplements thereto.

OF FREE SCHOOLS.

SECTION 8. That the act entitled "An act to encourage the education of the colored people," passed at Dover, March 22, 1881, and all acts or parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed. Inconsistent acts repealed

Passed at Dover, April 19, 1883.

CHAPTER 49.

OF FREE SCHOOLS.

AN ACT to authorize the United School Districts Nos. 39 and 41, in New Castle County, to borrow money for the purpose of building a new school house thereon, and also to sell school property belonging to the said districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Charles C. King, clerk, William Homewood and James Wilson, commissioners of the United School Districts Nos. 39 and 41, in New Castle County, or their successors in office, are hereby authorized, directed and empowered to borrow, upon such terms and conditions as in their discretion they may think best, such sum of money as they may deem necessary, not exceeding three thousand dollars, to be used for the purpose of building a new school house in said United Districts 39 and 41, and to secure the payment of the same, with interest, in six equal installments, on the 25th day of April in each year. Commissioners authorized to borrow not exceeding \$3,000. Object.

SECTION 2. *And be it further enacted,* That the said commissioners, and their successors in office, are hereby authorized, directed and required to levy and collect, yearly, (in addition to the tax for carrying on the school directed to be levied at the stated meetings) such sum as shall be necessary to meet said annual payments, and pay the same according to the conditions upon which it was borrowed. May levy and collect additional taxes to meet annual payments.

SECTION 3. *And be it further enacted,* That the school commissioners of said United School Districts Nos. 39 and 41 shall have the power to sell at public sale, either for cash or upon credit, and to convey by good and sufficient title, any May convey certain real estate.

OF FREE SCHOOLS.

Proceeds. How applied real estate now belonging to said districts, and to apply the proceeds of such sale to the erection of the school building hereinbefore authorized to be built.

May employ architect, plan, etc. * SECTION 4. *And be it further enacted*, That the said commissioners, before proceeding to build said school house, shall employ an architect to make a plan and specifications of the same, and shall thereupon, by public notice of four weeks, in the Delaware Ledger, call for sealed proposals to build the said school house, and shall give out the contract for the entire building, to the lowest bidder, from whom they shall require bond, with a penalty double the amount of the contract, for the faithful performance of his obligations; *provided*, that before the commissioners shall enter into said contract, under the provisions of this act, the plan of the said school house shall be submitted to and approved by a majority of the voters of the said united districts present at any regular, annual, stated, special, or adjourned meeting of said districts.

Notice for proposals.

Bond. Penalty.

Proviso.

Approval of voters.

Passed at Dover, January 26, 1883.

CHAPTER 50.

OF FREE SCHOOLS.

Chapter 366, A SUPPLEMENT to the act entitled "An act to Consolidate the Public Schools of the Town of Smyrna."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) as follows:

Directors authorized to convey real estate and purchase lot and erect building for schools. SECTION 1. That the board of directors of the "Smyrna Public Schools" is hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the districts composing the "Smyrna Public Schools;" and also to purchase, take and hold a suitable and convenient lot of land or site for a new school house; and also to erect or cause to be erected, in a suitable and con-

OF FREE SCHOOLS.

venient place, a new school building or school buildings for the use of the said Smyrna Public Schools.

SECTION 2. That the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to borrow any sum of money, not exceeding sixteen thousand dollars, for the purpose of erecting a new school building or school buildings, as authorized by Section 1 of this act, and also for purchasing a new site for said new building or buildings, in case it shall be deemed necessary and proper to purchase such new site; and which said sum of money so authorized to be borrowed under this act may be borrowed at one time and of one individual or corporation, or in different sums and at different times or of one or more individuals or corporations; *provided* that in the whole the said "The Board of Directors of the Smyrna Public Schools" shall not borrow more than sixteen thousand dollars for the purposes aforesaid.

Authorized to borrow not exceeding \$16,000.
Object.

SECTION 3. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Smyrna Public Schools," and also a mortgage or mortgages upon any or all of the real estate owned by the said Smyrna Public Schools at the time of the execution thereof; which bond or bonds, mortgage or mortgages shall be signed by the president of the said "The Board of Directors of the Smyrna Public Schools," be sealed with its corporate seal, and be attested by the secretary thereof. The said bond or bonds may be either with or without warrants of attorney for the confession of judgment thereto annexed, and may be made to become due and payable in such manner and at such time or times as the said "The Board of Directors of the Smyrna Public Schools" shall deem advisable, and shall bear interest at any rate not exceeding six per centum per annum.

Empowered to issue bonds to secure loans.

Also to mortgage.

By whom signed.

Seal attested by Secretary

With or without warrant of attorney. When payable.

Rate of interest.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to assess, raise and collect, as now

Authorized to levy and collect taxes for payment of loan.

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provided by law, within the districts composing the Smyrna Public Schools, in addition to the amount authorized to be raised under the provisions of the act to which this act is a supplement, such further and additional sum or sums of money as shall be sufficient to meet the interest on the money authorized to be borrowed under this act and to pay the principal at the maturity thereof; which further and additional sum of money hereby authorized to be assessed, raised and collected may be assessed, raised and collected within the districts composing the said Smyrna Public Schools in any one year, or may be distributed through a series of years, as may be deemed advisable by the said "The Board of Directors of the Smyrna Public Schools."

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 7, 1883.

CHAPTER 51.

OF FREE SCHOOLS.

AN ACT relating to School District No. 81, New Castle County.

Preamble.

WHEREAS by an act of the General Assembly of the State of Delaware, passed at Dover, February 2d, 1869, entitled "An act to authorize certain persons to call in and re-invest certain moneys, &c.," (being Chapter 426, Vol. 13, Delaware Laws,) certain commissioners, appointed by said act, were authorized to collect certain moneys therein named and invest the same in manner therein prescribed, and pay the interest and dividends arising from said investments annually to the school committee of School District No. 81, New Castle county, for the benefit of said school district; and whereas the school house in said district is out of repair and so much too small for the requirements of said district that a new school house is needed, and it is deemed advisable and proper that the principal of said investments, about \$700.00, should be applied toward the erection of such new school house; therefore

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Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the school committee of School District No. 81, New Castle county, is hereby authorized and empowered to demand, sue for, collect and receive the principal sum aforesaid of or from the commissioners named in the said recited act, or their executors and administrators, or of or from any person or persons, or their executors and administrators, to whom the said commissioners may have loaned the said moneys or any part thereof; and to that end shall have all the powers that school committees now have for the collection of sums or balances due school districts, and also shall have the right to apply the moneys so collected and received toward the building of a new school house under the provisions of the general law touching the building of new school houses. School committee of school district No. 81 authorized to collect certain moneys. How applied

Passed at Dover, February 28, 1883.

CHAPTER 52.

OF FREE SCHOOLS.

AN ACT to establish a Board of Education for the Town of Harrington, and to incorporate the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That School Districts Nos. 94, 126 and 127, in Kent County, as now bounded, or as they may hereafter be bounded, be and they are hereby declared incorporated into one consolidated district, to be governed and managed by a board of education, consisting of nine members, to be elected as hereinafter provided. Certain school districts in Kent county consolidated

SECTION 2. That from and after the passage of this act, there shall be established, in and for the town of Harrington, Board of education

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Powers and duties of Board. and such portions as lie outside thereof, a board of education, to be styled "The Board of Education of the Town of Harrington," whose design and purpose shall be the direction, management and superintendence of the public education of children, in said consolidated districts, between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the requirements of this act.

Who compose the board.

Incorporated.

Corporate powers.

SECTION 3. That the following named citizens of the United School Districts Nos. 94, 126 and 127, viz: Robert S. Downs, Robert H. Short, James A. Smith, Ezekiel Fleming, Alfred Raughley, William T. Sharp, Henry Dickerson, Amos Cole and James A. Moore, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children, between the ages aforesaid, in the said consolidated districts, and to superintend the same, to appoint, suspend and remove teachers, and provide school houses, to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendence, to designate and elect officers of the said board, and to fill vacancies in any manner whatsoever caused until the next election for members of the board, and take and require, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State, or elsewhere, and have a common seal, with power to alter the same at pleasure, and otherwise generally shall have all the rights, powers, privileges and franchises incident to corporations and necessary or convenient for carrying out the purposes of their creation.

Election Terms.

SECTION 4. That the persons named as corporators in this act shall constitute the board of education, until the first Saturday in April A. D. eighteen hundred and eighty-three, or until their successors are duly elected and qualified. The first election for the members of the board of education shall take place on the first Saturday in April, A. D. eighteen hundred and eighty-three, at which election three

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persons shall be elected to serve for the term of one year, ^{Vacancies.} three for the term of two years, and three for the term of three years, and on the first Saturday of April, annually thereafter, to fill vacancies caused by the limitation to the terms of office prescribed or in any manner whatsoever. The election shall be held in the afternoon, the polls opened at one o'clock, or within thirty minutes thereafter, and closed at five o'clock. ^{When elections open and close.} The members shall not receive either pay or emolument, or be allowed any compensation for their services. ^{No compensation. Officers.} The board shall elect one of their number president, who shall be the presiding officer of said board, and shall also elect a secretary and treasurer, who may, or may not, be a member or members of said board. The offices of secretary and treasurer may be held by the same person. The board shall appoint the place for holding the annual or any special election, and give notice thereof, for ten days previous to the time of holding said election, by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated district. The said board shall appoint an inspector of said election (not one of their number) who shall preside thereat. ^{Inspector.} The secretary of said board shall act as clerk of said election. Within two days after any election the certificates of the result shall be delivered, under the hands of the inspector and clerk, as follows: ^{Certificates. To whom delivered.} one to the secretary of the board and one to each of the persons elected, which certificate shall be made out and signed [as] aforesaid, immediately after counting the vote. The board shall be the judges of the election of its members, who must have paid a school tax in said consolidated districts within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications as required to vote at general elections; a plurality of votes shall elect. ^{Qualification of members.}

SECTION 5. That the law now in force, or that may hereafter be passed, in this State with regard to illegal voting at school elections, shall apply to every case of illegal voting at any election authorized to be held under this act, and every inspector and clerk of elections authorized to be held under the provisions of this act, failing to perform the duties required of him, shall be held liable to the same penalty that now is imposed, under the general school law, upon the secretary at any annual meeting of the school voters of any school district in this State for a failure to perform the duties imposed upon him by the general school law of this State. ^{Illegal voting.} ^{Penalty.}

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Report.

SECTION 6. That the board of education shall, on or before the Monday next preceding the first Saturday in April, in every year, cause to be made out and hung up, in some public place, in said district, a full report of their accounts and proceedings, during the past year, setting forth aggregates, under their appropriate heads. They shall also depute one of their number to settle with the Auditor of the State.

Settle with Auditor.

May sell certain real estate.

SECTION 7. That the said board of education shall have power to sell, either at public or private sale, and either for cash or upon credit, as they may deem best, and to convey, by good and sufficient title, any real estate now belonging to the said School Districts Nos. 94, 126 and 127, and to erect in a suitable and convenient place a new school building or school buildings for the use of said districts, and to purchase a site upon which to erect the same.

May erect new school buildings.

Authorized to borrow money.

SECTION 8. That it shall be lawful for the said board of education, and they are hereby expressly authorized and empowered to borrow a sum of money which, together with the sum or sums of money arising from the sale of the present school property, as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and of the building or buildings so authorized to be erected thereon; *provided, however,* that the sum so borrowed as aforesaid does not exceed the sum of five thousand dollars, and the same to be made payable in ten equal annual installments, and to be secured by bond, or bond and mortgage, upon the property of said district, signed by the president and treasurer of the said board of education.

Proviso.
Not exceeding \$5,000.
How payable.

May levy and collect additional taxes.

SECTION 9. That it shall be lawful for the said board of education to levy and collect, in like manner as State and county taxes now or may hereafter be levied and collected, such additional sum of money as will be sufficient to pay off the annual installments mentioned in the next foregoing section of this act. The said board of education shall have power and authority to levy and collect, as school taxes are now or may hereafter be levied and collected, such further sum of money as shall, in their judgment, be sufficient to carry on the schools in said district; *provided* that the sum so raised for school purposes, in any one year, shall not exceed the sum of fifteen hundred dollars.

Purposes.

Proviso.
Not exceeding \$1,500.

Plans, etc., for school building, etc.

SECTION 10. That the said board of education shall obtain a plan for said building or buildings, hereinbefore au-

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thorized to be erected, and advertise for sealed proposals for building and constructing the same. The contract shall be awarded to the lowest and best bidder, who shall give bond for the faithful performance of said contract in a penal sum double the amount of his bid.

SECTION 11. That the board of education shall have the same power and authority in collecting taxes, as well those that are now due said district as those which may hereafter be levied upon the taxables of said district, that now is or may hereafter be conferred upon the commissioners of public schools in this State; and shall have the right to draw dividends from time to time made and entered to the credit of School Districts Nos. 94, 126 and 127, in Kent county.

SECTION 12. That each member of the board of education, and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board, or by any member thereof, as well by any officer authorized by law to administer oaths.

SECTION 13. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed.

Passed at Dover, March 1, 1883.

CHAPTER 53.

OF FREE SCHOOLS.

AN ACT to amend an act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed at Dover, February 26, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That the act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed

Section 7,
Chapter 371,
Volume 15
amended.

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at Dover, February 26, 1877, be and the same is hereby amended by striking out the words "three thousand," in line eleven of Section 7 of said act, and by inserting in lieu thereof the words "thirty-five hundred."

Passed at Dover, March 8, 1883.

CHAPTER 54.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of "The Millsboro' Public School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School Dis-
tricts 23 and
161, Sussex
county, con-
solidated.

Powers.

Each district
entitled to
its share of
school fund.

Terms, when
expire.

Board of
directors.

Who com-
pose.

SECTION 1. That School Districts Numbers 23 and 161, in Sussex County, as now formed, or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Millsboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled, or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to the said "The Millsboro' Public School" the full proportion to which they are now entitled as two districts in Sussex county.

SECTION 3. That the terms of the school commissioners, now acting as such, in Districts Numbers 23 and 161, in Sussex county, shall expire on the first Saturday in April, 1883.

SECTION 4. That on and after the first Saturday in April, 1883, the following named persons shall constitute a board of directors for the said "The Millsboro' Public School" for the period of one year after the first Saturday in April next, or until their successors may be chosen, viz: George T. Dodd, Tilghman S. Johnson, Jacob R. Godwin, John K. Cordrey and Charles B. Houston; and that on the first Satur-

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day in April, 1884, the voters of the said districts, consolidated under this act, shall elect a board of five directors in the place of those whose terms expire; two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year, and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors, at the time specified, shall not act as a revocation of this act.

Election.
When.Terms of
office.Failure to
elect.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Officers.

Bond.

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

Board of
directors
may convey
certain real
estate.May pur-
chase land
erect build-
ings.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

May borrow
money not
exceeding
\$2,500.

Purposes.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

Power to
borrow.

Proviso.

OF FREE SCHOOLS.

said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

Loan, How
secured.

Bond.

Form.

When pay-
able.
Rate of
interest.

SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Levy and
collect taxes
for payment
of debt and
support of
schools.

SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

Bonds a
lien.

No personal
liability.

SECTION 11. That the bond or bonds given by the said board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

Taxes un-
collected be-
long to con-
solidated
districts.

SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School;" and the said directors of

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the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

Powers of collector.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Vacancies. How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Debts due original districts belong to consolidated districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

Property of original districts belong to consolidated districts.

Recovery of property.

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

Qualification of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

Passed at Dover, March 9, 1883.

OF FREE SCHOOLS.

CHAPTER 55.

OF FREE SCHOOLS.

Chapter 58 of Volume 17 **AN ACT to amend the act entitled "An act to Consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of "The Millsboro' Public School."**

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 4 of the act entitled "An act to consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of 'The Millsboro' Public School,'" be and the same is hereby amended by striking out, after the word "School" in the 5th line of said section and before the word "or" in the 7th line of said section, the following: "for the period of one year after the first Saturday in April next."

Term of corporators.

SECTION 2. Amend the said section further by striking out, in the 14th line of said section after the word "elect" and before the word "and" in the 21st line, the following: "a board of five directors in the place of those whose terms shall expire, two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year"; and insert in lieu thereof the following: "two directors for the term of three years, in the places of George T. Dodd and Tilghman Johnson, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated under this act shall elect two directors for the term of three years, in the places of Jacob R. Godwin and John R. Cordrey, whose terms of office as said directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said 'The Millsboro' Public School.'"

Term for which directors shall be elected.

Duty of Secretary of State.

SECTION 3. That in the publication of the act to which this is an amendment the Secretary of State be and he is hereby directed to publish said act as amended by this act.

Passed at Dover, April 12, 1883.

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CHAPTER 56.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of "The Millsboro' Public School," as amended by the act entitled "An act to amend the act entitled 'An act to Consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of 'The Millsboro' Public School.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That School Districts Numbers 23 and 161, in Sussex County, as now formed, or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Millsboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

School Districts 23 and 161, Sussex county, consolidated.

Powers.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled, or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to the said "The Millsboro' Public School" the full proportion to which they are now entitled as two districts in Sussex county.

Each district entitled to its share of school fund.

SECTION 3. That the terms of the school commissioners, now acting as such, in Districts Numbers 23 and 161, in Sussex county, shall expire on the first Saturday in April, 1883.

Terms, when expire.

SECTION 4. That on and after the first Saturday in April, 1883, the following named persons shall constitute a board of directors for the said "The Millsboro' Public School," or until their successors may be chosen, viz: George T. Dodd, Tilghman S. Johnson, Jacob R. Godwin, John K. Cordrey and Charles B. Houston, and that on the first Saturday in April, 1884, the voters of the said districts consolidated under this act shall elect two directors for the term of three years, in the places of George T. Dodd and Tilghman Johnson, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated under this act shall elect two directors for the term of three years, in the places of Jacob R. Godwin and John R. Cordrey, whose terms of office as said directors

Board of directors.

Who compose.

Election. When.

Terms of office.

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shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said "The Millsboro' Public School;" and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors at the time specified shall not act as a revocation of this act.

Failure to
elect.

Officers.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Bond.

Board of
directors
may convey
certain real
estate,

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

May pur-
chase land,
erect build-
ings.

May borrow
money not
exceeding
\$2,500.

Purposes.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

Power to
borrow.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

Proviso.

OF FREE SCHOOLS.

said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Loan. How secured.
Bond.
Form.
When payable. Rate of interest.

SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

Levy and collect taxes for payment of debt and support of schools.

SECTION 11. That the bond or bonds given by the said board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

Bonds a lien.
No personal liability.

SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School," and the said directors of

Taxes uncollected belong to consolidated districts.

OF FREE SCHOOLS.

Powers of collector.

the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

Vacancies. How filled.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Debts due original districts belong to consolidated districts.

SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School;" and the board of directors of the said "The Millsboro' Public School" shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Property of original districts belong to consolidated districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

Recovery of property.

Qualification of voters

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

Passed at Dover, March 9, 1883.

OF FREE SCHOOLS.

CHAPTER 57.

OF FREE SCHOOLS.

AN ACT transferring the Farm now belonging to William C. Rust, and situate in School District No. 143 in Sussex county, from said District No. 143 to School District No. 90 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the farm now belonging to William C. Rust, situate in School District No. 143 in Sussex county, shall hereafter be and form a part of School District No. 90 in Sussex county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said William C. Rust and the person or persons hereafter owning said land and farm or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 90; and further, that they are hereby relieved and discharged from the same in said School District No. 143 in Sussex county aforesaid. This act shall be deemed and taken to be a public act.

Certain real estate transferred to district No. 90, Sussex co.

Privileges of owners of transferred property.

Public act.

Passed at Dover, March 13, 1883.

OF FREE SCHOOLS.

CHAPTER 58.

OF FREE SCHOOLS.

AN ACT to amend Section 6 of Chapter 54, Volume 15 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 6,
Chapter 54,
Volume 15,
amended.

SECTION 1. That Section 6 of Chapter 54 of Volume 15 of the Laws of Delaware be and the same is hereby amended by striking out of the eighth line of said section the word "four," and in lieu thereof, after the word "exceed" and before the word "thousand," insert the word "six."

Passed at Dover, March 27, 1883.

CHAPTER 59.

OF FREE SCHOOLS.

A supplement to
Chapter 52,
Volume 14.

A SUPPLEMENT to an act entitled "An act to incorporate Delaware City Public School, and for other purposes," passed at Dover, March 4th, 1875.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Empowered
to erect new
school
building.

Cost of site
not to ex-
ceed \$2,500.

SECTION 1. That the trustees and directors of the Delaware City Public School shall have full power and authority to purchase suitable grounds and building or buildings, at a cost not exceeding twenty-five hundred dollars, or to purchase suitable grounds and erect a building or buildings ample in size, with all the necessary conveniences to accommodate all the pupils residing within the Consolidated Districts 52 and 76. The walls of any building or buildings purchased or erected under this act must be constructed of good bricks or stone.

. OF FREE SCHOOLS.

SECTION 2. That if the trustees and directors herein mentioned shall deem it imprudent to raise, by taxation, the whole sum necessary to carry into effect the objects of this corporation and act at one time, they may, in their discretion, levy and raise by taxation such portion thereof as they may deem proper, and borrow, on bond or mortgage, under the hands and seal of the said trustees, or a majority of them, on the property of the said school districts or consolidated districts, or otherwise, the balance of the sum necessary to carry into effect the objects and designs of this act, and to liquidate the same by annual installments or otherwise, as may be agreed upon by said trustees and the party or parties making such loan. That for the erection of the new building or buildings the trustees shall not use from the building fund a sum greater than six thousand dollars; that no greater sum than fifteen hundred dollars shall be raised by the regular tax in any year for the erection of buildings. They shall have power to use any surplus funds that they may have in their possession, from taxation or otherwise, to aid in the erection and furnishing of the buildings, or as the needs of the school may require.

May levy and collect taxes.

Borrow on bond or mortgage.

Payments, How made.

Power of trustees.

Amount raised limited. Taxes.

Surplus funds, How applied.

SECTION 3. That the trustees and directors shall have full power and authority to sell any one or all of the lots now owned by the district or districts, and to execute a deed or deeds for the same under the hands and seals of said trustees, or a majority of them, which deed or deeds so as aforesaid executed shall convey and transfer to the purchaser all the right and title of said district or districts of, in, and to the property so as aforesaid conveyed; and the trustees shall have full power and authority to dispose of and cause to be removed the school house of District No. 52, and are required to dispose of, in the following manner, the grounds known as the school and church lot, being the same as conveyed by Manuel Eyre by indenture dated Dec. 29th, A. D. 1829, and by Daniel Newbold and Rachel, his wife, by indenture dated Dec. 31st, 1829, A. D., for school and church purposes. The trustees shall first open, through said school and church lot, from Fourth street to Fifth street, a continuation of Bayard street of a width of sixty feet, and shall dispose of the residue of said school and church lots in any manner they, in their judgment, think to the best advantage for the benefit of the consolidated school districts; and said trustees shall take from the person or persons of whom said new property shall have been purchased a deed in such manner as shall

Power to convey present school property.

Sale of buildings and certain real estate.

To open certain street.

Deed.

OF FREE SCHOOLS.

secure a good and valid title to said district or districts in such lands and premises so as aforesaid purchased forever.

SECTION 4. That such parts of the original act of which this act is a supplement as are repugnant to this act are hereby repealed. This act shall be a public act.

Passed at Dover, March 28, 1883.

CHAPTER 60.

OF FREE SCHOOLS.

AN ACT to create a new School District from Districts Nos. 62, 63, 64 and 86, in Georgetown Hundred, Sussex county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Com-
mis-
sioners to
lay out ad-
ditional dis-
trict out of
Districts 62,
63, 64 and 86,
Sussex co.

Boundaries.

SECTION 1. That Reuben Donovan, Enoch W. Donovan and Isaac A. Peck be and they are hereby appointed commissioners, and they, or a majority of them, are authorized to go upon the lands embraced within the limits of School Districts Numbers 62, 63, 64 and 86, in Georgetown hundred, Sussex county, and, if necessary, take with them a skillful surveyor, and so divide the said districts as to create a new one, to be numbered in continuation of the school districts in said county; *provided* that such school district shall begin at a point where the Milford road crosses the Gravelly branch at the extreme northwest corner of District No. 63, following the said road in a southerly direction until the line reaches McColley's Chapel, including which and proceeding in the course above mentioned until the line strikes the dividing line between Districts Nos. 62 and 86 and east of Mrs. Reynolds' farm, then following the said division line in its course until it intersects the Mifflin ditch; thence following the said ditch in its course until it intersects or crosses the dividing line of Districts Numbers 86 and 63; thence going in a north-westerly direction, including the farm of L. Donovan, on to Gravelly branch; thence following the said branch in its westerly direction to the place of beginning. And it shall be the duty of the commissioners, or a majority of them, after

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the said district shall have been laid out, to have a plot of the same made and lodged with the Levy Court of said county. Plot and return.

SECTION 2. The commissioners appointed by this act shall receive such compensation as the Levy Court shall determine, and the surveyor and other persons by him employed necessary for the proper performance of his duty shall receive such remuneration as is usual in such cases. The commissioners and surveyor shall be sworn to faithfully perform their several duties before entering upon them. Compensation. Oath.

SECTION 3. The commissioners shall determine the location, amount of ground necessary, size and plan of construction for the school building for the new district, and, in order to provide payment for the same, they are hereby empowered to levy a tax on all the land and other property embraced in said new district subject to taxation for school purposes. For collecting the same they are hereby endowed with all the legal powers of the collector of the hundred in which the district is located. They may employ, under their direction, said collector to collect the tax so levied; any commissioner neglecting or refusing to serve before the duties required of him under this act shall be fully complied with, thus causing a vacancy, the same shall be filled by appointment made by the associate judge residing in Sussex county, on petition to him, by three citizens of said new district. Location for school building. Taxation. How collected. Vacancies. How filled.

SECTION 4. The additional school district to be formed by and under this act, shall have all the rights, authority and privileges of other school districts of the State; and as soon as the district is laid out and plot of same lodged with the Clerk of the Levy Court in and for Sussex county, the said Clerk shall inform the Trustee of the School Fund thereof. Privileges of new school district. Duty of Clerk of the Peace.

SECTION 5. The commissioners shall continue in office until all the duties devolving upon them by this act are performed and officers are elected under the general school law for the government of the district; and while in office the commissioners shall have, in addition to the powers hereby conferred, all the authority of regularly elected school officers. Terms of office. Powers of commissioners.

Passed at Dover, March 23, 1883.

OF FREE SCHOOLS.

CHAPTER 61.

OF FREE SCHOOLS.

AN ACT to authorize the creation and establishment of a New School District in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Commissioners to lay out additional districts from Districts Nos. 1 and 114, Kent county.

Location, plot and return.

Where filed.

Commissioners sworn. Surveyor. Fees.

New district known as 114.

Part of District 114 to become part of District No. 8.

SECTION 1. That John H. Hoffecker, Owen H. Nickerson, John D. Burton, William R. Cahoon, senior, and Caleb S. Pennewill, be and they are hereby appointed commissioners to view the territory embraced within the limits of School District No. 114 and School District No. 1 in Kent County, and to determine whether it is necessary and advisable that a new school district should be created out of the territory within the limits of said districts. If the said commissioners, or a majority of them, shall determine that such new district shall be created, they shall forthwith proceed to locate and lay out such new district, and shall make a return, in writing, under their hands or the hands of a majority of them, defining the boundaries and limits of such new district, accompanied by a plot showing the outlines thereof, and shall file the said return and plot in the office of the Clerk of the Peace, in and for Kent County, and therefor the said return and plot shall be duly recorded by the said Clerk of the Peace and shall become and be a public record. The commissioners shall be respectively sworn, or affirmed, before entering upon their duties; and they may call to their assistance a surveyor. The fees of the commissioners and surveyor shall be fixed, allowed and paid by the Levy Court of Kent County.

SECTION 2. That if the said commissioners shall determine that a new district should be created as aforesaid, and shall so locate the same and make return as aforesaid, such district shall be known and designated as No. 114; and when the said return shall have been made, all the territory originally included in the limits of District No. 114, and not included within the boundaries of such new district, shall immediately thereafter become and be and be treated as within the limits of School District No. 8; and the residue of School District No. 1, not included in such new District No. 114, shall thereafter be District No. 1, and from and after the making of such return, the present United School Districts

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Nos. 8 and 114 shall cease to exist as such, and School District No. 8 shall thereafter be as though no union had ever been made with District No. 114.

SECTION 3. When the said commissioners shall have made a return of such new district they, or a majority of them, shall call a meeting of the taxables in such new District No. 114, by notices under their hands or the hands of a majority of them, indicating the time and place of such meeting, which notices shall be posted in five of the most public places of the new district at least five days before the day of meeting. At such meeting the said taxables shall elect a clerk for three years, one commissioner for one year, and one commissioner for two years, and determine the amount of tax to be raised, and generally do all things which might be done at a regular annual stated meeting.

School meeting. When and how called.
Notices.
Election terms.
Duties.

SECTION 4. That this act shall be a public act.

Passed at Dover, March 29, 1883.

CHAPTER 62.

OF FREE SCHOOLS.

AN ACT for the Relief of School District No. 116 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That when and as soon as School District No. 116 shall have elected a school committee and shall have resolved to raise, by taxation, the sum of one hundred and twenty-five dollars, it shall and may be lawful for the school committee of said district to collect and receive the several dividends allotted to the said district in each of the years 1879, 1880, 1881 and 1882; and the Trustee of the School Fund is hereby authorized and directed to pay the same.

School committee may collect certain dividends.
Duty of Trustee of School Fund

Passed at Dover, April 3, 1883.

OF FREE SCHOOLS.

CHAPTER 63.

OF FREE SCHOOLS.

AN ACT to incorporate and enlarge School District Number 90 in the Town of Bridgeville, Sussex county, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Certain
lands in Dis-
tricts Nos.
143 and 166
added to
District 90.

SECTION 1. That all of School District Number 90 in the town of Bridgeville, Sussex county, and all that part or portion of School Districts Numbers 143 and 166 which lies and is included within the corporate limits of the town of Bridgeville, and all that part or portion of School District Number 143 which includes the lands of William Gray on which he now resides, and the lands in said School District Number 143 which were purchased by the said William Gray and Philip L. Cannon, respectively, at the sale of the real estate of Loxley R. Jacobs, deceased, be and they are hereby declared incorporated into one new school district, to be known as School District Number 90, to be governed and managed by a board of public education consisting of six members, to be elected as hereinafter provided.

Board of
education.

Board of
education.
Style.

SECTION 2. That from and after the passage of this act there shall be established in and for School District Number 90 in the town of Bridgeville, Sussex county, a board of education, to be styled The Board of Public Education for School District No. 90 in the town of Bridgeville, Sussex county, whose design and purpose shall be the direction, management and superintendence of the public education of children, in said District Number 90, between the ages of six and twenty-one years.

Purposes.

Who com-
pose the
board.

SECTION 3. That the following named citizens of the said district, viz: Richard W. Cannon, Mitchel Layton, David D. Palmer, Philip L. Cannon, Silas B. Hazzard and W. C. Rust, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children between the

Powers.

OF FREE SCHOOLS.

ages aforesaid in said District Number 90 in the town of Bridgeville, Sussex county, and to superintend the same; to appoint, suspend and remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in the courts of this State or elsewhere; may have a common seal, with power to alter the same, and otherwise generally shall be clothed with the rights, powers and privileges incident to corporations and necessary for carrying out the purposes of their creation. The members of the board shall receive no compensation for their services.

By-Laws.

Officers.
Vacancies.Acquire
property.

Seal.

No compen-
sation.

SECTION 4. That the persons named as corporators in this act shall constitute the board of public education until the first Saturday in April, A. D. eighteen hundred and eighty-four, or until their successors are duly elected and qualified. The board shall meet on the first Saturday of April of the present year, at the school house in School District Number 90 in said town of Bridgeville, and annually thereafter at the same place on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a president, secretary, and treasurer, who shall be members of the board.

Term of
office of cor-
porators.Meeting.
When and
where.Organiza-
tion.

SECTION 5. The first election for the members of the board of public education shall take place on the first Saturday of April, A. D. eighteen hundred and eighty-four, at which election two persons shall be elected to serve for the term of one year, two other persons to serve for the term of two years, and two other persons to serve for the term of three years; and on the first Saturday of April annually thereafter to fill vacancies caused by the limitations of terms of office prescribed or in any manner whatever. The members of the board shall be elected by ballot, and by a plurality vote, and shall hold their offices for the terms for which they are elected, and until their successors are duly chosen and qualified. The election shall be held in the afternoon; the polls shall be open at one o'clock, or within thirty minutes there-

First elec-
tion of boardTerms of
office.

Vacancies.

Board. How
elected.Election.
How con-
ducted.

OF FREE SCHOOLS.

after, and close at four o'clock; the election shall be held at the school house in said School District No. 90; the board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of members of the board to be elected thereat, by written or printed handbills, under the signature of the secretary of the board, posted in five of the most public places in the said School District No. 90. The board shall appoint, at least ten days before the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of education, and shall, before opening the polls, each take an oath or affirmation.

Notice. The oath may be administered by the inspector, assistant inspector, a justice of the peace, or notary public. The inspectors shall appoint two clerks; one to be appointed by the inspector, and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the polls have closed, proceed to count the votes, and ascertain the result, and shall immediately, upon ascertaining the result of said election, make out and sign certificates thereof, and shall deliver, without delay, one of said certificates to the secretary of the board of education, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. Every person residing within the said School District No. 90 in the town of Bridgeville, Sussex county, and having right to vote for representatives in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said district. And if any person not being so qualified shall vote at any school election held therein, he shall be deemed guilty of a misdemeanor, and shall be fined twenty-five dollars. If a vote is objected to the inspectors must unite in rejecting it, or the vote shall be accepted. If any person who shall be appointed by the board either inspector or assistant inspector shall neglect or refuse to serve as such inspector or assistant inspector without rendering an excuse, to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a justice of the peace. If the board shall fail to appoint an inspector, or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters then shall proceed forthwith, without ballot,

Inspector.

Oath. By whom administered.
Duties of clerks of election.

Certificates. To whom delivered.

Qualification of voters.

Illegal voting misdemeanor.
Penalty.

Inspector refusing to serve.

Forfeiture.
How recovered.

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to chose, from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the board of education shall in any year fail to give written or printed notice of said election, as required herein, the school voters of said district shall, notwithstanding said failure, meet on the day and at the time herein specified and at the school house in said district, and proceed to elect inspectors and members of the board of education as herein provided in case of notice duly given. If an inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction, and to be paid to the board of education aforesaid for the benefit of the schools under their charge.

Voters to choose inspectors in certain cases Meeting held without notice.

Inspectors receiving illegal votes or refusing to give certificate.

Guilty of misdemeanor. Penalty.

SECTION 6. The board shall hold stated meetings once every month, and special meetings when required by the president or a majority of the members thereof; and by a committee, or otherwise, shall visit all the schools under their charge once a week while the schools are in session. A majority of the board shall form a quorum, and any vacancy, occasioned by death, resignation, or otherwise, shall be filled by the board by choosing members thereof to serve until the next election and until their successors be duly elected and qualified; *provided, however*, that no one shall be a member of the board who is not a freeholder and a qualified voter of District No. 90; and if any one having been elected a member of the board shall not then be, or shall afterwards cease to be a freeholder and a qualified voter of said district, he shall thereupon cease to be one of the members of the board aforesaid; *provided further, however*, that this must be ascertained and declared by a two-thirds vote of the other members of said board. The members shall be sworn by each other faithfully and impartially to perform their duties as members of said board of education.

Monthly meetings.

Inspection of schools.

Quorum. Vacancies. How filled.

Proviso.

Qualification of members.

Proviso.

Oath.

SECTION 7. The treasurer appointed by the board shall be required to give bond, with good and sufficient surety, for the faithful performance of his duties, which shall be sufficient to cover the full amount of money which may at any time come into his hands under the provisions of this act. The board shall have the right to draw, upon an order signed

Treasurer to give bond.

OF FREE SCHOOLS.

Dividends. by their president and secretary, the amount of the dividends
How drawn. from time to time which the school named in section one of
this act shall be entitled to out of the State school fund; and
Amount to shall annually assess, levy and collect from the taxables of
be raised by said School District Number 90 in the town of Bridgeville,
taxation not Sussex county, a sum not less than \$400, in the same manner
less than as school taxes now are or hereafter may by law be assessed,
\$400. levied and collected, and for that purpose shall possess all the
powers that school commissioners now have or may hereafter
Proviso. have; *provided* that the collector of North-West Fork hun-
dred shall receive the warrant, with the duplicate of assess-
Warrant ment list, whenever the board shall offer to deliver them to
with dupli- him. The board shall publish, in a newspaper published in
cate. To Sussex county, in the last issue of such paper issued in the
whom month of March of every year, a statement of the receipts
delivered. and expenditures during the year, showing the sources from
Annual which the receipts have been obtained, and the objects for
statement. which they were expended. They shall also settle with the
Auditor as school commissioners do.

Officers SECTION 8. The school voters of said School District No.
chosen. 90 in the town of Bridgeville, Sussex county, may, at their
When. annual meeting on the first Saturday in April, choose a
chairman and secretary, and by a majority vote, to be taken
Board of by ballot, may authorize and empower the board of education
education to raise, for school purposes, a certain additional sum* over
authorized and above the sum of four hundred dollars aforesaid; *provided*
to raise more that the two sums do not amount, in the aggregate, to more
than \$400. than the sum of seven hundred dollars. If such additional
Proviso. sum shall be authorized to be raised, two certificates of the
Certificates proceedings of the meeting shall be made and signed by the
of proceed- chairman and secretary; one shall be immediately delivered
ings. To the secretary of the board of education, the other to the
whom Clerk of the Peace of Sussex county, to be kept as a public
delivered record.

May convey SECTION 9. That The Board of Public Education of
buildings School District No. 90 in the town of Bridgeville, Sussex
and lot of county, as the same is constituted by the provisions of this
ground. act, shall have power, and they, or a majority of them, are
hereby authorized, empowered and directed, on and after the
first day of April of the present year, to sell and dispose of,
either at public or private sale, as may be considered the most
advantageous by the said board, for the highest and best price
that can be obtained for the same, the present school house,

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together with the lot of ground on which the same is now Title.
standing in said School District No. 90, and to give a good
and sufficient title to the same, and to borrow, upon the faith
and credit of said district, and issue bonds for the same, any
sum of money not exceeding two thousand dollars, for the Borrow not
use and to be applied and expended under the directions of exceeding
The Board of Public Education of School District No. 90 in \$2,000.
the town of Bridgeville, Sussex county, for the purpose of How applied
purchasing a suitable site and of erecting a suitable building
and furnishing the same for educational purposes.

SECTION 10. The board of education aforesaid, or a ma- Issue of
jority of them, are hereby authorized, empowered and directed bonds.
to issue forty bonds of the denominations of fifty dollars each,
bearing interest at a rate not to exceed six per centum per
annum, redeemable in ten years from date, but nevertheless Redeemable
subject to redemption at the option of the said board of edu- When.
cation at any time prior to the expiration of the said term,
which shall be in the following form, to wit:

No. —. \$50.00. Form.
The Board of Public Education for School District No. 90,
in the Town of Bridgeville, Sussex County, —, 188—.

These presents certify and make known that School Dis-
trict No. 90, in the Town of Bridgeville, Sussex County, is
held and firmly bound unto the bearer in the sum of fifty
dollars, lawful money of the United States of America, which
she binds herself to pay to the bearer on or before the —
day of —, A. D. 189—, subject to redemption at the
option of the board of public education of said district at any
time prior to the expiration of said term, with interest at the
rate of six per centum, payable at the office of the treasurer
of the board of public education aforesaid, on the — day
of —, until the principal be paid. Dated at Bridgeville,
the — day of —, 188—. Witness the seal of the
said corporation and the hands of the President, Secretary
and Treasurer of the Board of Public Education of School
District No. 90 in the Town of Bridgeville.

—, President.
—, Secretary.
—, Treasurer.

The said bonds shall be numbered from one to forty, and Numbered
shall have coupons attached for the payment of interest, coupons.
numbers to correspond with the bonds and signed by the

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treasurer of the board. The said bonds shall be signed by the president, secretary and treasurer of the board, and shall have the seal of the board affixed. The faith of School District No. 90 in the town of Bridgeville, Sussex County, is hereby pledged for the payment of the interest and principal of said bonds.

Special tax
for payment
of interest.

SECTION 11. The board of public education aforesaid are hereby authorized, empowered and directed to levy and collect an additional yearly tax which shall be levied upon the just and true value of the real estate of the persons in said School District No. 90, and at the same time as the tax is levied and collected for school purposes, which shall be sufficient to pay the annual interest on said bonds and also to create and establish a sinking fund sufficient to redeem the bonds at maturity.

Sinking
fund.

How applied

SECTION 12. The money accumulated in the sinking fund created by authority of the foregoing section, shall, on the first day of July of each and every year, be applied to the payment of the accrued interest on said bonds and to reducing and canceling outstanding bonds in such manner as the said board of education may devise.

Sale of bonds

SECTION 13. The treasurer of the board is hereby authorized and directed to negotiate the sale of the bonds authorized to be issued by Section 10 of this act, with the least possible delay after he shall have received the same, and shall receive a compensation for his services in negotiating the sale of the said bonds, or not, at the discretion of the board. The said bonds shall not be sold for less than their par value. The treasurer shall procure a suitable book, and before delivering the bonds shall register therein the name of each purchaser, together with the number of the bonds purchased, in regular numerical order.

Compensa-
tion.

Bonds reg-
istered.

School com-
mittee of
District 90
to make re-
port and pay
over moneys
due.

SECTION 14. The school committee of School District No. 90 shall exhibit their account and report, as mentioned in Section 20 of Chapter 42 of the Revised Code, to the meeting of the board of public education of the said incorporated School District No. 90 in the town of Bridgeville, Sussex county, to be held on the first Saturday of April next, and shall pay to the said board of education all money due from them; and if they neglect to do so for ten days they shall forfeit and pay to the said The Board of Public Education of

Penalty.

OF FREE SCHOOLS.

School District No. 90 in the town of Bridgeville, Sussex county, additionally the rate of twenty-five per cent on the sum due.

Passed at Dover, April 5, 1883.

CHAPTER 64.

OF FREE SCHOOLS.

AN ACT to authorize the Board of Education of the Dover Public Schools to issue bonds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That it shall and may be lawful for the Board of Education of Dover Public Schools to issue bonds to an amount not exceeding in the aggregate \$16,000, for the purpose of raising the necessary funds to pay any indebtedness which has been or may be contracted or incurred by the said The Board of Education of the Dover Public Schools in and for the erection, heating and completing the new public school building lately erected in the town of Dover, or for paving, fencing and fixing up the grounds appurtenant to the said building, which said bonds may be for such amount, or amounts, as the said board may deem proper. *Provided*, that in the aggregate they shall not exceed sixteen thousand dollars, and shall bear interest at any rate not exceeding six per centum per annum, and shall be payable at such time, or times, and in such manner as the said board may determine, and shall be under the hand of the president of the said board, be sealed with its corporate seal, and be attested by the secretary of the board.

May issue bonds not exceeding \$16,000, for purposes.

Denomination of bonds Proviso.

How payable.

How attested.

SECTION 2. That it shall also be lawful for the said Board of Education of the Dover Public Schools to execute a mortgage, or mortgages, upon any real estate which may be owned by it, the better to secure the payment of the bonds authorized by this act, which said mortgage, or mortgages, shall be under the hand of the president of said board, be sealed with its corporate seal, and be attested by the secretary of the said board.

Mortgages.

Passed at Dover, April 10, 1883.

OF FREE SCHOOLS.

CHAPTER 65.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 37, 146 and 147 in Sussex County, under the title of "The Gumboro' Public School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Dis-
tricts Nos.
37, 146, 147
consolidated

SECTION 1. That School Districts Numbers 37, 146 and 147 in Sussex county, as now formed or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Gumboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

Privileges.

Each dis-
trict entitled
to its share
of school
fund.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to "The Gumboro' Public School" the full proportion to which they are now entitled as three districts in Sussex county.

Terms.
When expire

SECTION 3. That the terms of the school commissioners now acting as such in Districts Numbers 37, 146 and 147 in Sussex county, shall expire upon the passage of this act.

Board of
directors.
Who com-
pose.

SECTION 4. That on and after the passage of this act the following named persons shall constitute a board of directors for "The Gumboro' Public School," or until their successors may be chosen, viz: Silas Pennewill, George Truitt, Hiram J. Ake, L. T. Hearn and James E. Betts; and that on the first Saturday in April, A. D. 1884, the voters of the said districts consolidated under this act shall elect two directors for the term of three years in the places of Silas Pennewill and George Truitt, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated shall elect two directors for the term of three years in the places of Hiram J. Ake and L. T. Hearn, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of the said districts consolidated shall elect one director for the term of three years in the place of James E. Betts, whose term of office shall then expire; and on the first

Election.
When.

Terms of
office.

OF FREE SCHOOLS.

Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Gumboro' Public School;" but a failure to elect said board of directors at the time specified shall not act as a revocation of this act. Failure to elect.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duty. Officers. Bond.

SECTION 6. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the Districts Nos. 37, 146 and 147 in Sussex county, and by this act consolidated and composing "The Gumboro' Public School;" and also to purchase, take and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of "The Gumboro' Public School;" and the said board of directors shall erect, or cause to be erected, said new building for the use of "The Gumboro' Public School," as hereinafter provided. Board of directors may convey certain real estate. May purchase lands and erect buildings.

SECTION 7. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding one thousand dollars, for the purpose of erecting a new building for the benefit of the Gumboro' Public School, authorized by Section 6 of this act. May borrow money. \$1,000. Purposes.

SECTION 8. That "The Board of Directors of the Gumboro' Public School" are hereby authorized to borrow at one time, or of one or more individuals, in different sums and at different times; *provided* that in the whole "The Board of Directors of the Gumboro' Public School" shall not borrow more than one thousand dollars for the purpose aforesaid. Power to borrow. Proviso.

SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, Loan. How secured.

OF FREE SCHOOLS.

"The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of "The Board of Directors of the Gumboro' Public School," which bond or bonds shall be signed by the president of "The Board of Directors of the Gumboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Bonds. To whom payable.

Levy and collect taxes for payment of debts and support of schools.

SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of "The Gumboro' Public School," "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Gumboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act, and for the continuance and support of "The Gumboro' Public School," and for the payment of the principal of said bond at maturity.

Bonds a lien

No personal liability.

SECTION 11. That the bond or bonds given by the said board of directors of "The Gumboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 37, 146 and 147, Sussex county, consolidated under the name of "The Gumboro' Public School;" and that no personal liability shall attach to the said the board of directors making said bond or bonds other than the common liability of all owners of real estate in said united districts.

Taxes uncollected belong to consolidated districts.

Powers of collector.

SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 37, 146 and 147 in Sussex county, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Gumboro' Public School;" and the said Directors of the Gumboro' Public School, or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to "The Gumboro' Public School."

OF FREE SCHOOLS.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death or resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term. Vacancies How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 37, 146 and 147 in Sussex county, shall be due and owing to "The Gumboro' Public School;" and the board of directors of 'The Gumboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act. Debts due original districts belong to consolidated districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 37, 146 and 147 in Sussex county, shall be the property of the said "The Gumboro' Public School," and the board of directors of "The Gumboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Gumboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to "The Gumboro' Public School," or for the recovery of the same. Property of original districts belong to consolidated district. Recovery of property

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Gumboro' Public School." Qualification of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Gumboro' Public School."

Passed at Dover, April 12, 1883.

OF FREE SCHOOLS.

CHAPTER 66.

OF FREE SCHOOLS.

AN ACT to transfer the farm and mansion of Dr. Albert Whiteley from School District No. 31 to United Districts Nos. 32, 75, 76 and 78, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Certain real estate transferred to School Districts Nos. 32, 75, 76, and 78, Kent county.

SECTION 1. That the farm and mansion of Dr. Albert Whiteley, now situated and lying in School District No. 31 in Kent County, be and the same is hereby transferred and shall hereafter constitute a part of United School Districts Nos. 32, 75, 76 and 78, in said county.

How assessed.

SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed, for school purposes, in United School Districts Nos. 32, 75, 76 and 78, in Kent County.

Passed at Dover, April 12, 1883.

CHAPTER 67.

OF FREE SCHOOLS.

AN ACT to repeal Chapter 357, Vol. 16.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 357, Volume, 16, repealed.

SECTION 1. That the act entitled "An act to transfer certain real estate from one school district to another in New Castle County," passed at Dover, March 1st, 1881, (being Chapter 357 of Volume 16 of the Laws of Delaware,) be and the same is hereby repealed.

Passed at Dover, April 18, 1883.

OF INFECTIOUS DISEASES.

CHAPTER 68:

OF INFECTIOUS DISEASES.

AN ACT to provide for the Vaccination of Children in the Free Schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. The trustees or commissioners of school districts, and boards of education, are required, within one month after the passage of this act, to oblige all children, applying for admission to the free schools, and all children who have previously been admitted to the said schools, to be vaccinated, unless already protected from small pox by vaccination or
All children in free schools to be vaccinated.
Exception.

SECTION 2. The said commissioners or boards of education shall have a copy of the foregoing section posted at the door of every school house, for two weeks before it shall be carried into effect; such notice shall state how such free vaccination shall be procured under the provisions of this act.
Notice.
How vaccination shall be procured.

SECTION 3. Persons affected with diptheria, measles, scarlet fever, or small pox, shall be excluded from the schools until permission of the proper school officers for such persons to return is granted; and intercourse between pupils of the schools and the family or house, when there is any case of one of these contagious diseases, must be forbidden until the official permission is given to return to the school.
Who excluded from schools.
Time.
Intercourse forbidden.

SECTION 4. Every person who is unable to pay for vaccination, or every child whose parents or guardians are unable to pay for the same, not residing in the City of Wilmington, may be vaccinated by any physician or physicians who may be designated for that purpose by the Trustee of the Poor for each hundred; and for each person or child so vaccinated, such physician or physicians shall be paid by the Trustees of the Poor for the county the sum of fifty cents. Every such physician shall give a certificate of vaccination to the child so applying.
When vaccinated free from cost.
Physician paid by Trustee of the Poor in each hundred.
Certificate.

Passed at Dover, March 21, 1883.

OF PHYSICIANS.

CHAPTER 69.

OF PHYSICIANS.

AN ACT regulating the Practice of Medicine and Surgery in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Who shall
not practice.

Proviso.

Exception.

SECTION 1. That it shall not be lawful for any person to practice medicine or surgery in this State who has not graduated with the degree of Doctor of Medicine, and received a diploma from some Medical College authorized to grant diplomas. *Provided*, that the provisions of this section shall not apply to persons who have been eight years in continuous regular practice in this State, or who are now, or may hereafter be authorized by the Board of Medical Examiners of this State, as prescribed in Chapter 47, Section 3 of the Revised Code of the State of Delaware.

When guilty
of misde-
meanor.
Penalty.

SECTION 2. That any person who shall practice, or attempt to practice medicine or surgery, or shall prescribe for any sick person or persons, or perform any surgical operations for fee or reward, in violation of Section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined, in a sum of not less than one hundred dollars, nor more than five hundred dollars, for each and every offense, at the discretion of the court; one-half of said fine to be for the use of the informer and the other half for the use of the State Board of Health.

Evidence of
authority to
practice to
be filed with
Clerk of the
Peace.

Clerk of
Peace to
issue license.
Proviso.

Fee.

SECTION 3. Any person who shall attempt to practice medicine or surgery by opening a transient office within this State, or who shall by handbills, or other form of written or printed matter or advertisement, assign such transient office or place to meet persons seeking medical or surgical advice or prescription, shall, before being allowed to practice as aforesaid, appear before the Clerk of the Peace of any of the counties of this State and furnish to him satisfactory evidence that the provisions of Section 1 of this act have been complied with; the said Clerk of the Peace shall thereupon issue to the person so applying a license to practice medicine and surgery in any of the counties of this State, *provided* that the person so applying shall pay or cause to be paid to the said Clerk of the Peace, as a license fee, the sum of two hundred dollars per annum for said privilege.

OF PHYSICIANS.

SECTION 4. The provisions of this act shall not apply to physicians who are regular practitioners of any other State coming into this State in consultation. Not to apply to certain non-resident physicians.

SECTION 5. That within ninety days after the passage of this act, every physician engaged in the practice of medicine or surgery in this State shall register, with the Clerk of the Peace of the county in which he resides, his name, date of graduation, and the college from which he was graduated, and make oath or affirmation that the diploma or certificate of his qualification to practice, which he is hereby required to exhibit to the Clerk of the Peace, is a bona fide diploma or certificate, and conferred upon him by the institution named therein, or that he has been a practitioner of medicine and surgery for eight years or more. Any person hereafter engaging in the practice of medicine or surgery in this State shall be required to register as above; any one failing to comply with the provisions of this section shall forfeit the sum of ten dollars, to be collected by the Clerk of the Peace, before any justice of the peace of the county, in the name of the State of Delaware; and all sums collected shall be appropriated as follows: One-half to the Clerk of the Peace, and one-half to be paid by him to the County Treasurer for county purposes. Physicians to register. When and where. Oath. Diploma or certificate. Failure to comply. Penalty. How collected. How appropriated.

SECTION 6. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 19, 1883.

CHAPTER 70.

OF PHYSICIANS.

AN ACT to amend Chapter 47 of the Revised Code of the State of Delaware, entitled "Of Physicians."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That Chapter 47 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Chapter after Section 6 thereof. Chapter 47 of Revised Code amended.

Passed at Dover, April 11, 1883.

OF THE PUBLIC HEALTH.

CHAPTER 71.

OF THE PUBLIC HEALTH.

AN ACT to amend an act entitled "An act to establish a State Board of Health for the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 7 of
Chapter 21,
Volume 16,
amended.

SECTION 1. That Section 7 of the act entitled "An act to establish a State Board of Health in the State of Delaware," passed at Dover, March 13, 1879, and published in Volume 16 of the Laws of Delaware as Chapter 21, be and the same is hereby amended by striking out the figures "100" where they occur in the last line of said section and inserting in lieu thereof the figures "250."

Passed at Dover, February 7, 1883.

CHAPTER 72.

OF PHARMACY.

AN ACT to regulate the Practice of Pharmacy in the State of Delaware.

Preamble.

WHEREAS the skill of the physician to overcome disease depends largely upon obtaining reliable medicine, skillfully and intelligently prepared; and whereas many unskilled and unqualified persons are engaged in the sale and compounding of drugs, medicines, and chemicals, endangering thereby the health and lives of the public, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Illegal for
certain per-
sons to act
as pharma-
cists.

SECTION 1. On and after the first day of August, A. D. eighteen hundred and eighty-three, it shall be unlawful for any person or persons, unless a registered pharmacist within the meaning of this act, to open or thereafter conduct any pharmacy or store vending at retail, dispensing or compound-

OF PHARMACY.

ing medicine, or poisons, within the corporate limits of any town of five hundred inhabitants or over, except as hereinafter provided.

SECTION 2. Any person in order to be registered must be either a graduate of some reputable college of pharmacy or medicine, or have had a practical experience of three years continuously, or pass an examination before the State Board of Pharmacy, or who shall constantly have in his employ or service a chief clerk, partner, or assistant, with like qualifications; that the provisions of this section shall apply to those already conducting the business, while those desiring hereafter to establish themselves in the business of vending and compounding medicines as a pharmacist must pass an examination before the State Board of Pharmacy unless they are graduates of some recognized college of pharmacy or medicine, or have a chief clerk, partner, or assistant qualified as aforesaid. Qualifications.
Examination before State board.
Exception.

SECTION 3. That at the annual meeting of the State Medical Association in June, next ensuing, said association shall recommend from among the most skilled and intelligent pharmacist in this State, five persons (graduates in pharmacy) from whom the Governor shall appoint, before the first day of July next, three men who shall constitute the State Board of Pharmacy; they shall hold their offices for three years, or until their successors are duly appointed; that each member, within five days after being notified of his appointment, take an oath for the impartial and faithful performance of his duties. Governor to appoint State Board of Pharmacy When.
Terms of office.
Oath.

SECTION 4. The members of said board shall receive no compensation; but shall be entitled to pay necessary expenses incurred out of any funds coming to their hands, a detailed account of which shall be carefully kept. There shall be collected by said board from each person entitled to be registered without examination the sum of one dollar, and from each person undergoing an examination, as provided in section second, five dollars; all moneys remaining in the hands of said board, after paying necessary expenses, shall be paid to the public school fund of the State. Necessary expenses allowed.
Statements.
Registry fee.
Certain moneys paid to school fund.

SECTION 5. That no proprietor or manager of a store shall permit any clerk who has had less than one year's practical experience, to compound or dispense any physician's prescriptions unless under the immediate eye of the proprietor Prescriptions. By whom compounded.

OF PHARMACY.

or a qualified assistant, being one who has had four years practical experience or who is a registered pharmacist.

Violation of
act.

Misde-
meanor.
Penalty.

SECTION 6. Any person or persons found vending, dispensing or compounding medicine in violation of this act, after the time specified in Section first, shall be deemed guilty of a misdemeanor, and be liable to indictment with fine and costs, not less than fifty dollars nor more than one hundred dollars for each week they conduct their business in violation of this act.

Record of
sales of
poisons to
be kept for
inspection.
Proviso.

SECTION 7. Every dispenser of drugs shall keep a record of all sales of strychnine, arsenic, opium or its preparations, unless prescribed by a physician, and the said record shall be open to inspection by proper legal authority. *Provided* that nothing in this act shall prohibit the sale of commercial drugs, in general stores, and this section shall not be deemed to require the keeping of a record in such stores of sales of the preparations of opium.

Passed at Dover, April 17, 1883.

TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

CHAPTER 73.

CONCERNING ALMSHOUSES AND THE POOR.

AN ACT in relation to the Trustees of the Poor of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the real estate of the Trustees of the Poor of New Castle County, to be conveyed by them to trustees, and by said trustees to be sold, as provided in Sections 3 and 4 of the act entitled "An act authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed at this session on March 30th, 1883, shall include and extend to all the real estate of said Trustees of the Poor of New Castle County situate within the present limits of the City of Wilmington, except that lot of land on the north side of Sixth street between Shipley and Orange streets, where is erected the building No. 103 West Sixth street, used as an office for said Trustees of the Poor, which is hereby exempted from the provisions of said act, and which shall continue to belong, as formerly, to said Trustees of the Poor of New Castle County.

Passed at Dover, April 19, 1883.

CONCERNING ALMSHOUSES AND THE POOR.

CHAPTER 74.

CONCERNING ALMSHOUSES AND THE POOR.

AN ACT to amend Chapter 48, Section 2 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 2,
Chapter 48,
Revised
Code,
amended.

SECTION 1. That Section 2 of Chapter 48 of the Revised Code be amended by inserting between the word "office," in the fourth line, and the word "if," in the fifth line of said section, the words following, to wit: "The said oath or affirmation may be administered by the president of said board of trustees or any member thereof duly qualified."

Passed at Dover, February 26, 1883.

CHAPTER 75.

OF THE INSANE.

AN ACT to amend Section 1 of Chapter 397, Volume 11, Laws of Delaware, entitled "An act in relation to Insane Persons."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1,
Chapter 397,
Volume 11,
amended.

SECTION 1. That Section 1 of Chapter 397, Volume 11, Laws of Delaware, entitled "An act in relation to insane persons," passed at Dover, February 24, 1857, be and the same is hereby amended by striking out all of said section between the words "person," in the first line thereof, and "defense," in the third line thereof, and by inserting, in lieu of the words so stricken out, the words following, to wit: "Upon any indictment in the Court of Oyer and Terminer, or in the Court of General Sessions of the Peace and Jail Delivery of this State, the".

Passed at Dover, January 18, 1883.

OF THE INSANE.

CHAPTER 76.

OF THE INSANE.

AN ACT supplementary to Chapter 57 of Volume 14 of the Laws of Delaware, entitled "An act to provide for the Indigent Insane of the State of Delaware," and the several amendments thereto.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

SECTION 1. It shall be lawful for the Trustees of the Poor of any county to contract with the Trustees of the Poor of any other county in the State for the care and treatment of any indigent insane person or persons in such first mentioned county upon such terms and conditions as they may mutually agree upon. If such contract be made, it shall be the duty of the Trustees of the Poor so contracting to send such insane persons to another county to pay such sum or sums as they may contract to pay in accordance with their agreement; and such insane person or persons shall, during the time of remaining in the county to which he, she, or they is or are sent, be subject to the rules, regulations or control of the Trustees of the Poor in that county to the same extent as the indigent insane of such county.

Supplementary to Chapter 57, Volume 14. Contracts by the Trustees of the Poor of one county with Trustees of another county. Duties of the Trustees

Government of the insane

SECTION 2. If, in the opinion of the Governor, the insane asylum now in course of erection in New Castle county shall, upon its completion and equipment, and when the occasion arises for the exercise of the power herein granted, afford satisfactory facilities for the treatment of any indigent insane person in behalf of whom an application is made under Chapter 57 of Vol. 14 of Laws of Delaware, and the supplements and amendments thereto, he may select the said insane asylum as the place to which such insane person or persons shall be sent, in lieu of an asylum for the insane in the State of Pennsylvania. In such case all the provisions of the said act and the supplements or amendments thereto shall be applicable, except such as may be inconsistent with the provisions of this section.

Governor may select, when completed, New Castle insane asylum for indigent insane.

In lieu of asylum in Pennsylvania.

Passed at Dover, March 28, 1883.

OF THE INSANE.

CHAPTER 77.

OF THE INSANE.

AN ACT in relation to Insane Prisoners.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

When Court
of General
Sessions of
the Peace
and Jail
Delivery, or
judge there-
of, may ap-
point three
persons to
inquire into
sanity.

Report,
when.

If found
insane.

When com-
mitted to
jail or alms-
house.

Power of
examiners.

Witnesses.
How sum-
moned.

Fees.

Compensa-
tion of ex-
aminers.

SECTION 1. When any person shall be confined in jail as a convict or otherwise, and if as a convict either before or after the sentence of the court shall have been pronounced against him, and there exists any reasonable ground to believe that he is insane, it shall be lawful for the Court of General Sessions of the Peace and Jail Delivery of the county where such person is confined as aforesaid, or any judge thereof, upon application in writing, by any citizen of said county, to appoint three judicious and competent persons of the said county to examine and inquire into the sanity of said prisoner and report their finding to the said court or judge, as the case may be, under oath or affirmation, within ten days after their appointment. If by said report they shall find that the prisoner "*is not insane*" he shall be sentenced, if an unsentenced convict, or if otherwise he shall remain in custody until discharged by due course of law; but if they shall find the said prisoner "*to be insane*," the said court or judge, as the case may be, shall, if the said prisoner be charged or convicted of a capital felony, detain him in the county jail; but if he shall be charged or convicted of a lesser offense, may, in its or his discretion, issue an order to the sheriff of the county in whose custody the said prisoner may be, commanding him forthwith to take and deliver said prisoner at the almshouse of said county, to the keeper thereof, who shall receive him and keep him as other insane persons are kept until such time as the said court or judge, upon application, shall order him discharged or returned to said jail to be dealt with according to law. The examiners appointed as aforesaid shall have power to hear evidence and take the testimony of witnesses, and to this end may use the process of the Court of General Sessions as aforesaid for compelling the attendance of witnesses before them, which witnesses shall be allowed the same fee as witnesses in criminal cases and paid by the county in the same manner.

SECTION 2. The examiners, or persons authorized to be appointed in section one of this act, shall receive for their

OF THE INSANE.

services such compensation as the said court or judge shall approve, not exceeding, in the aggregate, the sum of sixty dollars, which shall be allowed to them by the Levy Court of the county in which the proceedings shall be had. The sheriff shall also receive a fee of two dollars, to be paid in a like manner, for executing the order for the removal of said prisoner.

Fee of Sheriff.

Passed at Dover, April 12, 1883.

CHAPTER 78.

OF THE INSANE.

AN ACT to amend an act entitled "An act in relation to Insane Prisoners," passed at Dover, April 12th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the act entitled "An act in relation to insane prisoners," passed at Dover, April 12th, 1883, be and the same is hereby amended by striking out all after the enacting clause and substituting in lieu thereof the following:

Act in relation to Insane prisoners, passed April 12, 1883, amended.

SECTION 1. That whenever, in a capital case, it shall appear to the court in any manner that the prisoner has become insane after conviction and before sentence, the said court shall have power, with a view of informing its own mind upon the subject, to appoint a commission, to be composed of experienced and practical men, two at least of whom shall be practising physicians, to inquire of the mental condition of such prisoner, and make report of their finding to the said court, within one month from the date of their appointment, by writing, under their hands and seals. They shall have power to examine witnesses on oath, and to order the taking of testimony out of the State by commission, to be issued in the usual form by the Clerk of the Court of Oyer and Terminer.

When Court may appoint commission to inquire into mental condition of prisoners.

Report. When made. Powers of commission.

SECTION 2. Should the report of the commission be that the prisoner is insane, he shall be remanded to the custody of the sheriff until the further order of the court. Should he

When prisoner re-manded.

OF THE INSANE.

When
sentence
pronounced.

Court may
adjourn
from term to
term.

Evidence of
recovery of
reason.
How estab-
lished.

Notification
of appoint-
ment of com-
mission.

Compensa-
tion.

How paid.

Fees of wit-
nesses and
officers.

recover his reason after such remand, he shall receive the sentence appointed for his crime. And to avoid any unnecessary delay or uncertainty, the court trying the prisoner shall adjourn from term to term of the Court of General Sessions of the Peace and Jail Delivery until sentence can properly be passed. Whether he have so recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

SECTION 3. The clerk of the court, upon the appointment of a commission, shall forthwith notify the members of it by a paper, to be delivered to each by the sheriff, under the hand of the clerk and the seal of the court, and the commission shall be issued to them and be delivered by the sheriff to one of them within one week after their appointment. They shall receive for their services a reasonable compensation, in the discretion of the court, not to exceed sixty dollars, to be paid by the county treasurer upon orders under the seal of the court, countersigned by a judge of the court; and the provisions of this act shall apply to cases where any person shall have been already convicted and not yet sentenced as well as to cases that may occur after the passage of this act.

SECTION 4. The fees of witnesses, sheriff and clerk, and the expenses of a commission to take depositions, shall be the same as in cases of similar service, to be paid as other State costs are in capital cases.

SECTION 2. That in all future editions of the laws of this State the said act passed April 12, 1883, shall be published as hereby amended.

Passed at Dover, April 18, 1883.

OF THE INSANE.

CHAPTER 79.

OF THE INSANE.

AN ACT in relation to Insane Prisoners, as amended by the act entitled
 "An act to amend an act entitled 'An act in relation to Insane Prisoners.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That whenever, in a capital case, it shall appear to the court in any manner that the prisoner has become insane after conviction and before sentence, the said court shall have power, with a view of informing its own mind upon the subject, to appoint a commission, to be composed of experienced and practical men, two at least of whom shall be practising physicians, to inquire of the mental condition of such prisoner and make report of their finding to the said court, within one month from the date of their appointment, by writing, under their hands and seals. They shall have power to examine witnesses on oath, and to order the taking of testimony out of the State by commission, to be issued in the usual form by the Clerk of the Court of Oyer and Terminer.

When Court may appoint commission to inquire into mental condition of prisoners.
Report.
When made.
Powers of commission.

SECTION 2. Should the report of the commission be that the prisoner is insane, he shall be remanded to the custody of the sheriff until the further order of the court. Should he recover his reason after such remand, he shall receive the sentence appointed for his crime. And to avoid any unnecessary delay or uncertainty, the court trying the prisoner shall adjourn from term to term of the Court of General Sessions of the Peace and Jail Delivery until sentence can properly be passed. Whether he have so recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

When prisoner remanded.
When sentence pronounced.
Court may adjourn from term to term.
Evidence of recovery of reason.
How established.

SECTION 3. The clerk of the court, upon the appointment of a commission, shall forthwith notify the members of it by a paper, to be delivered to each by the sheriff, under the hand of the clerk and the seal of the court, and the commission shall be issued to them and be delivered by the sheriff to one of them within one week after their appointment. They

Notification of appointment of commission.

OF THE INSANE.

Compensation. shall receive for their services a reasonable compensation, in the discretion of the court, not to exceed sixty dollars, to be paid by the county treasurer upon orders under the seal of the court, countersigned by a judge of the court; and the provisions of this act shall apply to cases where any person shall have been already convicted and not yet sentenced as well as to cases that may occur after the passage of this act.

How paid.

Fees of witnesses and officers.

SECTION 4. The fees of witnesses, sheriff and clerk, and the expenses of a commission to take depositions, shall be the same as in cases of similar service, to be paid as other State costs are in capital cases.

Passed at Dover, April 18, 1883.

TITLE EIGHTH.

Of the General Police.

CHAPTER 80.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 381, Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 8 of Chapter 381, Volume 16 of the Laws of Delaware be and the same is hereby amended by striking out all of said section after the word "directed," in the 25th line thereof. Sections 8 and 12, Chapter 381, Volume 16, amended.

SECTION 2. That Section 12 of said chapter be and the same is hereby amended by striking out all of said section after the word "county," in the 13th line thereof.

Passed at Dover, March 14, 1883.

CHAPTER 81.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT to amend an act entitled "An act for the Suppression of Intemperance," passed at Dover, April 5, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That Section 1 of said act be and the same is hereby amended as follows: by inserting after word "also," Section 1 of Chapter 384, Volume 16, amended.

OF TOWNS, ETC.

Proviso.

Owners when not required to appear in open court.

Application for license by agent, etc

When guardian or trustee may apply.

When married woman is owner, husband may apply.

in the ninth line of said section, and before the word "The," in the tenth line of the same, the following words: "*Provided, however,* that when the owner or owners of such house shall be non-residents of this State, or unable, by reason of sickness or otherwise, to appear in open court, then and in such case such application may be made, filed, presented and sworn to by some credible person, duly authorized by such owner or owners, or some one of them; or, if such owner or owners shall be minors or insane, that then and in such case such application shall be made, filed, presented and sworn to as aforesaid, by the guardian or trustee of such owner or owners, or by some credible person, for such owner or owners, or in such manner as the court may order and direct; or, if such owner shall be a married woman, that then and in such case such application may be made, filed, presented and sworn to by her husband.

Passed at Dover, February 28, 1883.

CHAPTER 82.

OF TOWNS, ETC.

An Additional Supplement to the act entitled "An act for the Suppression of Intemperance."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional supplement to Chapter 384, Vol. 16.

Compensation of bailiff paid by State Treasurer. Certificate of Attorney General.

SECTION 1. The additional bailiff provided for in the 10th section of the act entitled "An act for the suppression of intemperance," passed at Dover, April 5, 1881, shall be paid by the State Treasurer at the rate of three dollars for every day actively spent in the discharge of his duty, upon the certificate of the Attorney General, as provided in said section.

SECTION 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Passed at Dover, March 21, 1883.

OF TOWNS, ETC.

CHAPTER 83.

OF TOWNS, ETC.

AN ACT regulating the Sale of Intoxicating Liquors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. Hereafter all licenses to sell intoxicating liquors shall be granted to the tenant or occupant of the house described in the petition. The object of this section being to change the license from a *house* to a *person*, and to make the tenant or occupant of the house the applicant; where notice of the application has already been given under the present law, the license, if issued, shall be to the person giving such notice of application.

Licenses for sale of intoxicating liquors granted to tenant or occupant of the house. Object.

SECTION 2. That Section 4, Chapter 381, Volume 15, Laws of Delaware, be and the same is hereby re-enacted.

Section 4, Chapter 381, Volume 15, re-enacted.

SECTION 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, March 28, 1883.

CHAPTER 84.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 384, Volume 15 of the Laws of Delaware, as amended by Chapter 389 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives in General Assembly met :

SECTION 1. That Section one of Chapter 384, Volume 15 of the Laws of Delaware, as amended by Chapter 389 of Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the word "first" in the fifteenth line of said section, and inserting in lieu thereof the word "twentieth"; and by striking out the word "October" in the sixteenth line thereof and inserting in lieu thereof the word "August".

Section 1 of Chapter 384, Volume 15, as amended by Chapter 389, Volume 16 amended.

Passed at Dover, March 13, 1883.

pertaine to oysters

OF FISH, OYSTERS AND GAME.

CHAPTER 85.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 391 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sections 1
and 2 of
Chapter 391,
Volume 16,
amended.

SECTION 1. That Chapter 391 of Volume 16 of the Laws of Delaware, entitled "An act in relation to fishing in the Nanticoke River in this State, and for other purposes," be and the same is hereby amended by striking out the word "twentieth" when it occurs in lines four of Sections 1 and 2 of said chapter and inserting in lieu thereof the word "thirty-first."

Passed at Dover, April 19, 1883.

CHAPTER 86.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 390, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1 of
Chapter 390,
Volume 16,
amended.

Proviso.

Residents
may get
oysters in
Simons'
creek.

Unlawful to
take oysters
between first
of July and
20th of
August.
Misde-
meanor.
Penalties.

SECTION 1. That Chapter 390, Volume 16 of the Laws of Delaware be and the same is hereby amended by inserting between the word "vessels," in line 40, and the word "all," in line 41 of said section, the words following, viz: *provided however*, that nothing contained in the provisions of this act shall apply to residents of this State taking or catching oysters in Simon's Creek for their own use or for the purpose of sale, either in this State or to residents thereof. It shall not be lawful for any person or persons to catch or take any oysters in the waters of said creek between the first day of July and the twentieth day of August, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the like penalties as are provided in this section.

Passed at Dover, April 19, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 87.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 387, Vol. 15, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 387, Vol. 15, Laws of Delaware, be and the same is hereby amended by striking out the words "seventy-five," in eighth line of Section 1, and inserting the words "two hundred" in lieu thereof. Section 1 of Chapter 387, Volume 15, amended.

SECTION 2. *And be it further enacted,* That the said Chapter 387 be further amended by striking out all of Section 2 and inserting the following in lieu thereof:

SECTION 2. That it shall not be lawful for any person or persons to fish any seine or seines, after the first day of November next until the first day of March following, without having at least thirty yards of seine in centre not less than one and one-half inches square mesh; and that it shall be unlawful for any person or persons to obstruct the fisheries by the laying out of any seine across the channel. Any person or persons violating any of the provisions of this section shall be liable to the same penalties as provided in Section 1 of Chapter 387, Vol. 15, Laws of Delaware.

Passed at Dover, March 20, 1883.

CHAPTER 88.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Game.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful for any person to ship, or attempt to ship, for the purpose of selling elsewhere,

OF FISH, OYSTERS AND GAME.

Unlawful to at any season of the year, any partridge, quail, woodcock, or
 sell into another State rabbit, that have been shot or trapped in this State, into any
 certain game other State, without having first obtained from the Clerk of
 without the Peace of one of the counties of this State a license per-
 license. mitting the person named therein to sell or ship the same
 License. beyond the limits of the State for one year from the day on
 which said license is issued, and that the person named there-
 in, or the party procuring such license, shall pay to the Clerk
 of the Peace the sum of fifty dollars, and also fifty cents to
 the Clerk of the Peace for his fee for issuing such license.
 Any person violating the provisions of this section by selling
 or shipping game for sale shall be fined the sum of five dol-
 Penalty, \$5. lars for every partridge, quail, rabbit or woodcock sold or
 shipped, or attempted to be shipped.

Not lawful to purchase certain game for the purpose of sell-
 ing again, without license.
 SECTION 2. *Be it further enacted*, That it shall not be
 lawful for any person or firm in this State to purchase, for the
 purpose of selling again to any person in this State, any
 partridge, quail, rabbit, or woodcock, without having first
 obtained from the Clerk of the Peace of one of the counties
 of this State a license permitting the person or firm named
 therein to sell the same for one year from the day on which
 said license is issued, and that the person named therein, or
 the party procuring such license shall pay to the Clerk of the
 License, \$25. Peace the sum of twenty-five dollars, and also fifty cents to
 the Clerk of the Peace for his fee for issuing such license.
 Any person violating the provisions of this section by selling
 game shall be fined the sum of five dollars for every partridge,
 Penalty, \$5. quail, rabbit, or woodcock sold.

Express and transportation companies not allowed to transport for sale.
 SECTION 3. That if any express or transportation com-
 pany shall knowingly or willfully receive or take into its
 possession, for the purpose of transporting for sale, any par-
 tridge, quail, rabbit, or woodcock that has been shot or
 trapped at any time in violation of this act, it shall be fined
 Penalty, \$20. not less than twenty dollars for each partridge, quail, rabbit,
 or woodcock so found in its possession, upon conviction
 thereof before any justice of the peace in this State.
 Justice of the Peace has jurisdiction.

Non-resident trespassers liable to arrest.
 SECTION 4. *Be it further enacted*, That any non-resident
 or non-residents found trespassing upon any private property
 in this State, with either dog or gun, not having a license
 from the Delaware Game Protective Association, shall be
 liable to be arrested by any constable of the county where the
 non-resident or non-residents were found trespassing, and
 shall be deemed guilty of a misdemeanor, and, on conviction

OF FISH, OYSTERS AND GAME.

thereof before any justice of the peace of said county, shall be fined the sum of twenty dollars, and on failure to pay said fine shall be confined in the county jail for a term of not less than ten nor more than twenty days.

Fine, \$20.
Failure to
pay, com-
mitted to
jail.
Term.

SECTION 5. *Be it further enacted*, That the fines which may be collected by any justice of the peace of the State under the provisions of this act, and the money paid to the Clerks of the Peace under the provisions of this act, shall be paid to the Secretary of the Delaware Game Protective Association, to be by him, or by the said Delaware Game Protective Association, used for purchasing birds for propagation.

Fines, etc.
To whom
paid.

SECTION 6. *Be it further enacted*, That it shall be the duty of the constables in the several counties of this State to arrest any person or persons violating any of the provisions of this act and take them before the nearest justice of the peace, to be dealt with as this act has heretofore directed.

Duties of
constable.

SECTION 7. That nothing in this act shall be construed in any way so as to prohibit or prevent any one gunning, for his own sport and amusement, in either of the counties, [or] from taking, carrying or sending, by railroad, water, or otherwise, into either of the other counties such partridge, quail, woodcock, or rabbit, as he shall have shot or obtained in the manner in this section mentioned.

To whom
the provis-
ions of this
act shall not
apply.

Passed at Dover, March 26, 1883.

CHAPTER 89.

OF FISH, OYSTERS AND GAME.

AN ACT in relation to Game.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 392, Volume 16, Laws of Delaware, be and the same is hereby amended by inserting the word "woodcock" between the word "grouse" and the word "or" in line nine of section one of said act.

Section 1,
Chapter 392,
Volume 16,
amended.

Passed at Dover, April 20, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 90.

OF FISH, OYSTERS AND GAME.

AN ACT for the Culture and Protection of Fish.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Shakespeare's mill-pond stocked with fish.

Declaration. Where filed for record.

SECTION 1. At any time after Edward O. Shakespeare, his heirs, executors, administrators, or assigns shall have stocked, or caused to be stocked, with fish, the mill-pond located near the town of Dover and known as Shakespeare's Mill pond, a declaration to that effect, and setting forth that fact, may be filed for record in the office of Recorder of Deeds for Kent County, and it shall then be the duty of the Recorder of Deeds of said county to enter such declaration upon the public records.

After notice, unlawful to fish in said pond.

Violation misdemeanor.

Penalty.

SECTION 2. After the filing of said declaration and the posting of public notice thereof in at least four conspicuous places at or near the bounds of the said mill-pond, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to go upon the waters of the said mill-pond, or upon the land appertaining to that mill-seat, with hook, spear, bob, line, net, scoop, wire, wier, seine, boat, or any other implement or means whatsoever used in the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not less than one month nor more than one year, and fined not less than twenty dollars (one-half of which shall go to the State, the other half to the informer), either, or both, at the discretion of the court.

Unlawful for any person to set net, etc., for fishing.

Violation misdemeanor. Penalty.

SECTION 3. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to fish in the waters of the said mill-pond, or to place or set therein any net, wier, wire, seine, or other implement for the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not

OF FISH, OYSTERS AND GAME.

less than twenty dollars (one-half to go to the State, the other half to the informer), either, or both, at the discretion of the court.

SECTION 4. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to take from the said mill-pond any fish, fish spawn, or fish food. Any person so offending shall be deemed guilty of larceny, and upon conviction thereof shall be punished accordingly.

Unlawful to take fish from the pond.
Larceny.
Penalty.

SECTION 5. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to place in the waters of the said mill-pond any fish or fish spawn, or to do any other act or thing whereby the successful and profitable propagation and culture of fish therein may be prevented, impeded, or in any way hindered, or the fish become injured or destroyed. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not less than one hundred dollars (one-half to go to the State, the other half to the informer), and shall pay to the person injured full damages for the injury done.

Unlawful to place any fish, etc., in pond.
Violation misdemeanor.
Penalty.

SECTION 6. It shall be lawful for Edward O. Shakespeare, his heirs, executors, administrators, or assigns, either personally or by agent (and for no other person), to do any and every act and thing, and use any and every means and appliance necessary or advantageous for the stocking, culture and propagation of fish in the waters of the said mill-pond, and for restraining the fish within the limits thereof, and for their capture and sale from time to time.

Edward O. Shakespeare may do what is necessary for culture and propagation of fish.

SECTION 7. Nothing in this act shall be construed in derogation or curtailment of any rights or privileges which may at present be vested in the said Edward O. Shakespeare as owner, in fee simple, of the land covered by the waters of the said mill-pond.

SECTION 8. This act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent therewith are hereby repealed.

Passed at Dover, March 27, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 91.

OF FISH, OYSTERS AND GAME.

AN ACT to enable Thomas B. Coursey to stock his Mill-Pond with Fish.

Preamble.

WHEREAS James D. Tomlinson, William E. England, John A. Moore, and Joseph H. Boone (together with Thomas B. Coursey) owners of the land lying along and forming the bed of the waters known as Spring Mills pond, situated in Milford and South Murderkill Hundreds, in Kent County, have presented a petition to the General Assembly of this State, at its present session, requesting the passage of a bill authorizing the said Thomas B. Coursey to stock said pond with fish, and to give him full power and protection in the propagation and culture of fish, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Coursey's
Spring Mills
pond stocked
with fish.

SECTION 1. At any time after Thomas B. Coursey, his heirs, executors, administrators, or assigns, shall have stocked, or caused to be stocked, with bass, carp, or other kind of fish, the mill-pond known as Spring Mills pond, situate and lying partly in South Murderkill and partly in Milford hundreds, Kent County and State of Delaware, or shall have placed in, or cause to be placed in said mill-pond, any fish for the purpose of propagating fish and stocking the waters of said mill-pond with fish, a declaration made in writing by the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or one of them, duly acknowledged before a notary public for the State of Delaware, setting forth the fact of having stocked the said mill-pond with fish, or of the placing of fish in the said mill pond for propagation and culture, may be filed in the office of the Recorder of Deeds in and for Kent County; and it shall be the duty of the Recorder of Deeds of said county to record said declaration in the deed records of his office, and to index the same as other papers are indexed, and when so recorded [it] shall be a public record, and the Recorder shall be entitled to the same compensation as is now provided by law for like services in said office.

Declaration.

Where filed
for record.

Notice.

SECTION 2. That the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or one of them, shall, after the filing of said declaration mentioned in the first sec-

OF FISH, OYSTERS AND GAME.

tion of this act, give notice, by posting in at least four public places within one mile of said mill-pond, by either written or printed notices, stating that he or they have stocked the said mill-pond with fish, or placed therein fish for propagation or culture.

SECTION 3. That after filing of said declaration for record and the posting of said notices, it shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to go upon the waters of the said mill-pond or upon the land bordering upon or adjacent to said mill-pond, with hook, spear, bob-line, net, scoops, wire, wier, seine, boat, or other implement or means whatsoever used in the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be imprisoned for not less than ten days nor more than three months, and shall be fined not less than ten dollars, one-half of which shall go to the informer, the other half to the use of the State.

After notice,
unlawful to
fish in said
pond.

Violation
misde-
meanor.
Penalty.

SECTION 4. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to fish in the waters of the said mill-pond, or to place or to set therein any net, wier, wire or seine, or other implement for the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than thirty days and fined not less than ten dollars, one-half of which shall go to the informer, the other half for the use of the State; and the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or either of them, may destroy any net, wier, wire, seine, boat, or other implement used on said mill-pond, or in the water thereof, for the capture of fish.

Unlawful to
set net, etc.,
for fishing.

Violation,
misde-
meanor.
Penalty.

SECTION 5. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to take from the said mill-pond, any fish, fish-spawn or fish-food. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars and be imprisoned not less than three months.

Unlawful to
take fish
from said
pond.

Misde-
meanor.
Penalty.

SECTION 6. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to place in the waters of said

Unlawful to
place any
fish, etc., in
pond.

OF FISH, OYSTERS AND GAME.

Violation
misde-
meanor.
Penalty.

mill-pond any fish or fish-spawn, or to do any other act or thing whereby the successful and profitable propagation and culture of fish therein may be prevented, impeded, or in any way hindered, or the fish become injured or destroyed. Any person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, for each offense, be imprisoned not less than one month, and be fined not less than one hundred dollars, one-half of which shall go to the informer and the other half shall be for the use of the State, and shall be liable to the person injured full damages for the injury done, to be recovered before any tribunal where like amounts are recoverable by law.

Thomas B.
Coursey
may do
what is nec-
essary for
culture and
propagation
of fish.

SECTION 7. It shall be lawful for the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, either personally or by his or their agents (and for no other person or persons), to do any and every act or thing, and use any and every means and appliance necessary or advantageous for the stocking, culture and propagation of fish in the waters of the said mill-pond, and for restraining the fish within the limits thereof, and for their capture and sale from time to time.

Certain priv-
ileges
granted.

SECTION 8. That nothing in this act shall be [in] derogation or curtailment of any rights or privileges which may at present be vested in the said Thomas B. Coursey in the said mill-pond or the waters thereof; and nothing in this act shall prohibit or prevent the catching of any fish in said mill-pond, by angling, or with a hook and line, that are natural to said waters on the passage of this bill.

SECTION 9. This act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 18, 1883.

OF STRAYS.

CHAPTER 92.

OF STRAYS.

AN ACT in reference to Live Stock Running at Large in the several School Districts of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in any school district in Sussex county whenever the legal voters of said district, by a vote at any election held for such purpose, have decided by a clear majority of all the legal votes cast at said election that they are entitled to the provisions of this act.

Unlawful for live stock to run at large in any school district in Sussex county. When Election.

SECTION 2. It shall be lawful for any person within the limits of said school districts which is entitled to the privileges of this act, to take up any live stock running at large upon the public highways or uninclosed lands within the district and impound the same, and they shall have the right to demand and receive the sum of one dollar for each animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

When lawful for any person to take up and impound strays in any district. Compensation.

SECTION 3. Notice shall be given by the person impounding said stock to the owner or owners thereof, by posting, in five of the most public places in said district, a description of the stock, with marks, if any, of the same.

Notices. Description of stock.

SECTION 4. That in case any damage may have been sustained by reason of such stock running at large and trespassing upon the highways or uninclosed lands within the aforesaid limits, any justice of the peace in the county where such lands are located shall appoint three suitable, disinterested persons to estimate such damages, which, together with the legal charges for taking up and keeping such stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace, and one dollar each to the persons assessing the damages, before the stock is delivered to the owner or owners thereof.

In case damages are sustained justice of the peace may appoint three persons to estimate the same. Fee.

OF STRAYS.

SECTION 5. That in case such stock so impounded is not claimed, and all just charges paid in accordance with this act within thirty days, the person having such stock in charge shall advertise the same at public sale, and shall give not less than ten days printed or written notices of said sale, posted in five of the most public places in the district in which stock was taken up, at the expiration of which he shall proceed to sell the same, at public auction, to the highest bidder for cash. The proceeds of such sale, after deducting all just charges, shall be deposited with some constable in the county, who, together with his securities, shall be liable on his official bond, and who shall hold the same for one year, if not sooner claimed by some person, who shall prove, to the satisfaction of said constable, that they are the owners of said stock. If not so claimed, it shall be subject to and paid over on the order of the clerk of said school district in which said stock was taken up, to be devoted to school purposes in said district.

If unclaimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with any constable in county.
How long.

When paid over to clerk of school district in which stock is taken.

Meeting for election.

Notices.

Ballot.

Who judge and inspector of election.

Duty of officers.

General election laws applicable.

Duty of Clerk of election.

Vacancies.
How filled.

SECTION 6. Ten residents and legal voters of any school district in the county may call a meeting for the purpose of holding an election under the provisions of this act, by posting a written or printed notice in five of the most public places in the district, setting forth fully the object of the meeting.

SECTION 7. All elections held under the provisions of this act shall be by ballot.

SECTION 8. The chairman of the last preceding annual school meeting shall be the judge of election, and the clerk elected at such annual school meeting shall be the inspector at any election held in said school district for the above purpose, whose duty it shall be to receive the votes and take proper care that the election is fairly conducted under the provisions of this act, and shall be governed by the same laws as are applicable to the general elections held in this State for representatives to the General Assembly.

SECTION 9. Before proceeding to vote, the legally qualified voters present shall elect a clerk who is a legal voter in said district, whose duty shall be to keep a correct copy of the proceedings of the election, and properly attest the same when concluded.

SECTION 10. If, from any unavoidable cause, the judge or inspector named in this act are unable to attend to their

OF STRAYS.

respective duties, the legal voters present at any meeting held under this act shall proceed to elect from those present, by acclamation, a suitable person or persons to take their place; and the judge, inspector and clerk are hereby authorized to administer the oath or affirmation to each other.

SECTION 11. The result of the election shall be certified to by the judge and inspector, and attested by the clerk, and if a clear majority of the voters voting at said election have decided, by their ballots, for a stock law in said district, the certificate shall be filed in the office of the Clerk of the Peace for said county, and shall be conclusive evidence of the intention of the voters at such election. The polls shall be kept open not less than two hours, nor more than three hours, at any election held under this act.

Certificates.
Where filed.

Evidence.
Polls kept open. Time.

SECTION 12. The provisions of this act shall not apply to any school district where a stock law now exists, and the power to repeal any stock law under this act is reserved to the Legislature.

When not applicable.

Passed at Dover, April 19, 1883.

CHAPTER 93.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 89 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be allowed to run at large on the highways or uninclosed lands within the limits of School District No. 89 in Sussex County.

Not lawful for live stock to run at large in School District No. 89 in Sussex county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running on the highways or uninclosed land in said district and impound the same; and they shall have the right to demand and receive

Lawful for any person to take up and impound estrays.

OF STRAYS.

Compensation. one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that any person impounding such stock shall first give notice to the owner of said stock so impounded, if known; if not known, shall give public notice, by three written or printed advertisements posted in public places in said district.

If damages sustained justice of the peace may appoint three freeholders to estimate the same. SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damage, which, together with the legal charge for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices. SECTION 4. That in case the said stock is not claimed, and all just charges, in accordance with this act, satisfied within twenty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in said district in which said stock was taken up; at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with the clerk of said school district, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of said clerk, that they were the real owner or owners of said stock; if not so claimed, it shall be subject to and used by said clerk of said district in which the stock was taken up for school purposes of said district.

Passed at Dover, February 13, 1883.

OF STRAYS.

CHAPTER 94.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 41 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the limits of School District No. 41 in Sussex County.

Not lawful for live stock to run at large in School District No. 41 in Sussex county.

SECTION 2. That it shall be lawful for any person within the said limits in said school district to take up any live stock running at large upon the public highways or uninclosed lands within the aforesaid limits and impound the same, and they shall have the right to demand and receive the sum of one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all the legal charges are paid.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large upon the public highways or uninclosed lands within the aforesaid limits, any justice of the peace in the said county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for taking up and keeping said stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace and one dollar to each of the freeholders, before the same is delivered.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. That in case said stock is not claimed and all just charges not satisfied, in accordance with this act, within thirty days, the persons having said stock in charge shall advertise the same at public sale, by not less than three* written or printed notices, posted for at least ten days previous to said sale in five* conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same at public auction, the proceeds of which sale, after deducting all just charges, shall be deposited with some constable in said county, who,

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with some constable in said county.

*So enrolled.

OF STRAYS.

together with his securities, shall be liable on his official bond, and who shall hold the same for one year if not sooner claimed by some person who shall prove, to the satisfaction of said constable, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes in said district.

If unclaimed to be paid to clerk of the school district.

Passed at Dover, February 13, 1883.

CHAPTER 95.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in School District No. 53 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met:

Not lawful for live stock to run at large in School District No. 53 in Sussex county.

Lawful for any person to take up and impound strays. Compensation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run at large within the limits of School District No. 53 in Sussex county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

OF STRAYS.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up; at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they were the real owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with some constable in said county.

If unclaimed to be paid to the clerk of the school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 1, 1883.

CHAPTER 96.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 68, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the highways in School District No. 68, Sussex county.

Not lawful for live stock to run at large in School District No. 68 in Sussex county.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so

Lawful for any person to take up and impound estrays.

OF STRAYS.

Compensation,

taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until the legal charges are paid.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

Fee.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before said stock is delivered. He shall also pay a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice.

Passed at Dover, March 1, 1883.

CHAPTER 97.

OF STRAYS.

AN ACT prohibiting Live Stock Running at Large in School District No. 39 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not lawful for live stock to run at large in School District No. 39 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 39 in Sussex county.

Lawful for any person to take up and impound estrays.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the said animals until all legal charges are paid.

Compensation.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, and one dollar to the justice and one

OF STRAYS.

dollar to each of the freeholders appointed by the justice, shall be paid by the person or persons claiming the same before the same is delivered.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, paid or satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said school district.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices. Sale. Proceeds to be deposited with clerk of school district.

Passed at Dover, March 2, 1883.

CHAPTER 98.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 61, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in School District No. 61, Sussex county.

Not lawful for livestock to run at large in School District No. 61 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running [at large] on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Lawful for any person to take up and impound estrays.

OF STRAYS.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large; any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with justice of the peace in Sussex county.

If unclaimed to be paid to clerk of the school district.

SECTION 4. That in case the said stock is not claimed, and all just charges are, in accordance with the act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 7, 1883.

OF STRAYS.

CHAPTER 99.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 63 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in the public highways or uninclosed lands within the bounds of School District No. 63 in Sussex county.

Not lawful for live stock to run at large in School District No. 63 in Sussex county.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chap. 60, Vol. 16 of the Laws of Delaware, be and they are hereby made applicable to said School District No. 63.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, March 8, 1883.

CHAPTER 100.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 156 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 156 in Sussex county.

Not lawful for live stock to run at large in School District No. 156 in Sussex county.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal

Lawful for any person to take up and impound estrays.

Compensation.

OF STRAYS.

charges are paid. It shall be the duty of the person impounding such animals to give notice, in writing, to the owner, if known, on the same or the next succeeding day.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

If unclaimed within 30 days, to be advertised for sale.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said school district.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

Passed at Dover, March 9, 1883.

CHAPTER 101.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 18 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 18 in Sussex county.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be willfully allowed to run at large on the highways within the limits of School District No. 18 in Sussex County.

OF STRAYS.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges shall be deposited with the clerk of said school district, who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of the said clerk that they were the real owner or owners of said stock; if not so claimed it shall be subject to and used by said clerk of the said district in which said stock was taken up, for school purposes of said district.

If unclaimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning estrays.

Passed at Dover, March 9, 1883.

OF STRAYS.

CHAPTER 102.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in United Districts Nos. 8 and 153 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not lawful for live stock to run at large in School Districts Nos. 8 and 153 in Sussex county.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run on the public highways within the limits of United School Districts Numbers 8 and 153 in Sussex county.

Lawful for any person to take up and impound cstrays.

Compensation.

SECTION 2. That it shall be lawful for any person in the said United School Districts Numbers 8 and 153 in Sussex county to take up any live stock running on the public highways in said united districts and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may hold the same until all legal charges are paid.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. That in case any damage or damages may have been sustained by reason of stock running at large in said united districts, any justice of the peace of the county may, upon the application of the person damaged, appoint three substantial freeholders to estimate the said damage or damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with any justice of the peace.

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person or persons having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the districts in which said stock was taken up, at the expiration of which time he or they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges and expenses, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the

OF STRAYS.

satisfaction of the justice, that they are the real owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the united school districts in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed to be paid to clerk of united school districts in which said stock was taken.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding under the general law concerning strays.

Passed at Dover, March 9, 1883.

CHAPTER 103.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 40, Little Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run at large within the limits of School District No. 40 in Little Creek hundred, Sussex county.

Not lawful for live stock to run at large in School District No. 40 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that this section shall not apply to live stock that is under the care of a herdsman.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of said county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

OF STRAYS.

same. Before said stock is delivered he shall also pay a fee of one dollar to the justice of the peace, and a fee of one dollar to each of the freeholders appointed by the justice.

If unclaimed
within 30
days, to be
advertised
for sale.

Notices.

Sale.

Proceeds to
be deposited
with justice
of the Peace

If unclaimed
to be paid to
clerk of the
school dis-
trict.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they were the real owner or owners of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 13, 1883.

CHAPTER 104.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 29 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Not lawful
for live stock
to run at
large in
School Dis-
trict No. 29
in Sussex
county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 29 in Sussex county.

OF STRAYS.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chap. 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 29.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, March 16, 1883.

CHAPTER 105.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 32 in Sussex County.

Be it enacted by the Senate and House of Representatives in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 32 in Sussex county.

Unlawful for live stock to run at large in school district No. 32 in Sussex county.

SECTION 2. It shall be lawful for any person in said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that any person or persons so taking up and impounding any stock under the provisions of this section shall, within three days from the time of taking up and impounding such stock, give notice, in writing, to the owner or owners thereof if known, if not known, by five advertisements posted in the district.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

OF STRAYS,

In case said stock is not claimed within 30 days, to be advertised for sale.
Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Passed at Dover, March 20, 1883.

CHAPTER 106.

OF STRAYS.

AN ACT to prohibit Live Stock Running at Large in the three adjoining School Districts Nos. 173, 120 and 119 in Sussex County.

Unlawful for live stock to run at large in School Districts Nos. 173, 120, and 119 in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall not be lawful for any live stock to willfully run at large in the three adjoining school districts, viz: Nos. 173, 120 and 119 in Sussex county, after November 1st, 1883.

Lawful for any person to take up and impound estrays.

SECTION 2. *Be it further enacted,* That it shall be lawful for and the duty of any person living in aforesaid districts to take up and impound any such stock running at will on the highways in said districts, and they shall have the right to demand and receive seventy-five cents for each and every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensation.

Notices.

SECTION 3. *Be it further enacted,* That it shall be the duty of any person or persons who shall have taken up and impounded any such stock as aforesaid, to give notice forthwith, in person or in writing, to the owner or owners of such stock so impounded, if the owner or owners shall be to him or them known, and if not known, to post a notice in four of

OF STRAYS.

the most public places in the districts, stating where such stock may be found, and describing such animal or animals by general description, and in case any damage has been done by such stock as have been taken up as aforesaid, any justice of the peace of the county may appoint three suitable freeholders to estimate said damage, which justice of the peace shall have a fee of seventy cents, and each of the three freeholders appointed and serve* to estimate the damage shall be paid a fee of fifty cents, [which,] together with the damages and all legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered to him or them.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

Fee.

SECTION 4. *Be it further enacted*, That if the owner or owners of such stock do not come forward and claim the said stock, and pay the expenses imposed upon him or them by this act before the expiration of ten days from the day of impounding such stock, the person or persons having taken up and impounded such stock shall advertise the property for sale, by giving eight days notice by printed or written advertisements, posted in four of the most public places in said school districts; and if the owner or owners shall come forward, at any time before such sale, and pay the expenses, the person or persons so impounding such stock shall give the same up to him or them.

In case said stock is not claimed within 10 days, to be advertised for sale.

Notices.

SECTION 5. *Be it further enacted*, That the moneys received from the sale of such property, after deducting all expenses and cost provided for in this act, shall be paid over to the treasurer of the said school districts in which the stock is found, who shall pay the same to the owner or owners of such stock, when he is satisfied he or they were the right owner or owners, if called for at any time within sixty days from the day of sale; if not called for within that time, the moneys shall be applied to the use and benefit of said school districts.

Proceeds of sale paid over to the treasurer of school district.

Duty of said treasurer.

Passed at Dover, March 20, 1883.

*So enrolled and in original bill.

OF STRAYS.

CHAPTER 107.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 140 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 140 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 140 in Sussex County.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That the provisions of Section 2, 3 and 4 of Chapter 60, Volume 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 140.

Passed at Dover, March 21, 1883.

CHAPTER 108.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 78, New Castle County.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 78 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School District No. 78, New Castle county.

Compensation.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-

OF STRAYS.

five cents per head for every [day] such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, upon the application of the person sustaining the damage, or their agent, to any justice of the peace of New Castle county, [he] shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, and a fee of one dollar to the justice and one dollar each to the freeholders appointed by the justice, shall be paid by the person claiming the stock before it is delivered to him, her or them.

In case damages are sustained justice of the peace may appoint three persons to estimate the same.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, satisfied within fifteen days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with some justice of the peace in said county who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that he was the real owner of said stock. If not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up; to be devoted to the school purposes of said district.

If unclaimed within 15 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with justice of the peace, to hold for one year.

If unclaimed then, to be paid over to clerk of School District.

Passed at Dover, March 28, 1883.

OF STRAYS.

CHAPTER 109.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 43 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 43 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 43, Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43.

Passed at Dover, March 30, 1883.

CHAPTER 110.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 55 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 55, Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run [at large] on the highways or uninclosed premises in School District No. 55 in Sussex county.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 2. It shall be lawful for any person in said district to take up any stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

OF STRAYS.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large in aforesaid district No. 55, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming them before said stock is delivered; he or they shall also pay a fee of one dollar to the justice and a fee of one dollar to each of the freeholders appointed by the justice.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

Fec.

Passed at Dover, April 3, 1883.

CHAPTER III.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in Lewes and Rehoboth Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of Lewes and Rehoboth hundred, Sussex county, when the provisions of Section 5 of this act are complied with.

Unlawful for live stock to run at large in Lewes and Rehoboth hundred. When.

SECTION 2. That it shall be lawful for any person in the said hundred to take up any live stock running at large in the said hundred and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid. Any person impounding stock in this hundred shall be required to give notice of the same by notices posted in five of the most public places of the hundred.

Lawful for any person to take up and impound strays. Compensation.

Notices.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable persons to estimate

In case damages sustained justice of the peace may appoint three persons to estimate same.

OF STRAYS.

the damages, which, together with the legal charges for keeping said stock, shall be paid by the persons claiming the same before the same is delivered.

If unclaimed
within 30
days, to be
advertised
for sale.

Notices.

Sale.

Proceeds to
be deposited
with
justice of the
peace.
How long.

When paid
over to clerk
of school
district.

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having such stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district of the hundred in which said stock was impounded, for school purposes in said district.

Marshes not
included.

When act to
go into effect
Fences.

Gates.

Proviso.

SECTION 5. That the provisions of this act shall not be construed to include the marshes known as the Great and Beach marshes, or any of the public marshes contained within the limits of the said hundred. This act shall not go into effect until a sufficient fence shall be erected at some point below the Rehoboth City lands, extending from Rehoboth Bay to the Atlantic Ocean, with suitable gate or gates, for the convenience of the neighborhood; *and it is further provided* that it shall be lawful for the citizens of Lewes and Rehoboth hundred to erect said fence and gates at or near the above named point.

SECTION 6. That nothing herein contained shall be construed to repeal any of the sections of Chapter 68 of Volume 16, Laws of Delaware, or Chapter 462, Volume 15, Laws of Delaware.

Passed at Dover, April 4, 1883.

OF STRAYS.

CHAPTER 112.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 106 and parts of School Districts Nos. 84 and 54, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of [School] District No. 106 in that part of School District No. 84 where it is not already so prohibited by Chapter 407, Vol. 16, Laws of Delaware, and in so much of the eastern portion of School District No. 54 as is embraced in the lands of the heirs of G. Johnson, Wingate Short, J. H. Day, Thos. W. Short, Sr., W. W. Rawlins, Wm. Short, Thos. W. Short, Jr., Dr. C. H. Richards and Harbeson Hickman, in Sussex county.

Not lawful for live stock to run at large in School District No. 106, and parts of Nos. 84 and 54 in Sussex county.

SECTION 2. That the provisions of Sections 2 and 3 of Chapter 60 of Volume 16 of the Laws of Delaware be and the same are of full force and effect in said School District No. 106 and in those parts of School Districts Nos. 84 and 54, mentioned in Section 1 of this act.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, April 10, 1883.

CHAPTER 113.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 38 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 38 in Sussex county.

Unlawful for live stock to run at large in School District No. 38 in Sussex county.

OF STRAYS.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are hereby made applicable to said School District No. 38.

Passed at Dover, April 11, 1883.

CHAPTER 114.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in School District No. 31, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not lawful for live stock to run at large in School District No. 31 in Sussex county. Lawful for any person to take up and impound estrays. Compensation.

SECTION 1. That it shall not be lawful for any live stock to run at large in School District No. 31 in Sussex county after November 1st, 1883.

SECTION 2. It shall be lawful for any person in the said school district to take up any live stock running at large on the highways in said district and impound the same, and they shall have the right to demand and receive seventy-five cents for every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Sections 3, 4, and 5 of act in relation to School Districts Nos. 173, 120, and 114, passed March 20, 1883, applicable.

SECTION 3. That Sections 3, 4 and 5 of the act passed at Dover, March 20th, 1883, relating to live stock in School Districts Nos. 173, 120 and 119, shall have the same force, effect and authority in their application to this act as if they were herein re-enacted section by section.

Passed at Dover, April 12, 1883.

OF ROADS AND BRIDGES.

CHAPTER 115.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in United School Districts Nos. 80 and 152 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of United School Districts Nos. 80 and 152 in Sussex county.

Not lawful for live stock to run at large in School Districts Nos. 80 and 152 in Sussex county. Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said named united school districts.

Passed at Dover, April 13, 1883.

CHAPTER 116.

OF ROADS AND BRIDGES.

AN ACT concerning the Payment of Road Taxes in Red Lion Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act the Road Commissioners of Red Lion Hundred in New Castle County shall not, in any year, pay to the authorities, commissioners, or treasurer of any city or town in said hundred, that now by law is entitled to receive any portion of the road taxes of said hundred, a sum greater than one-half of the road taxes assessed and collected within the limits of such city or town, clear of errors and commissions.

Road commissioners not to pay more than half of road taxes to cities or towns.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 19, 1883.

OF ROADS AND BRIDGES.

CHAPTER 117.

OF ROADS AND BRIDGES.

AN ACT limiting the Power of the Road Commissioners of Christiana Hundred, New Castle County, to Levy and Collect a Tax.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners limited as to taxation.

SECTION 1. That hereafter the Road Commissioners of Christiana Hundred shall not levy and collect, for road purposes in said hundred, a tax, for any one year, exceeding in amount the sum of five thousand five hundred dollars.

Passed at Dover, February 28, 1883.

CHAPTER 118.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter LX of the Revised Code of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sections 6 and 10 of Chapter 60, Revised Code, amended.

SECTION 1. That Section 6 of Chapter LX of the Revised Code of 1874 be amended by adding to the said Section 6, on page 322 of the said Revised Code, at the end of said section, the following words, to wit: "That when, upon an order to lay out a new public road, the commissioners have made return that such road is not needed for public convenience, it shall not be lawful to make any further petition to lay out the same road, and the court shall not make any order to lay out the same road until after the expiration of three years from and after the granting of the first order."

SECTION 2. That Section 10 of said Chapter 60 of the Revised Code be and is hereby amended in line 10 of Section 10 by adding after the word "granted" the words: "and no costs paid by persons applying for a review shall be reimbursed

OF ROADS AND BRIDGES.

to them by the Levy Court." And amend further, by striking out all the words after the word "granted," in the 10th line, to the word "the" in the 13th line of said section.

Passed at Dover, March 26, 1883.

CHAPTER 119.

OF ROADS AND BRIDGES.

AN ACT to lay out a new Public Road in Mispillion Hundred in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Henry C. Wolcott, Ezekiel Fleming and G. W. Cain, Jesse Ward, George Bastian, five judicious and impartial citizens and freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Mispillion hundred, Kent county, beginning on the south side of Liberty street, in the centre of Fleming street, where it intersects said Liberty street, in the town of Harrington, in Mispillion hundred, Kent county, and running from thence in a northerly direction with Weener avenue parallel with the Delaware Railroad, till it intersects the lands of Joseph Ward, thence same course on lands of said Joseph Ward to a point on his lands near a prong of Brown's branch; thence on lands of said Joseph Ward a northerly course and across lands of Duncan & Jellison, across lands of Eli Harrington, Charles Harrington and Martin W. Harrington, on or near lands of John Booth, Sr., and across lands of the heirs of John R. Curtis, as they may deem best, until it intersects the public road leading from the Asbury M. E. Church to Frederica. And if they, or a majority of them, shall determine that there is need for such new public road, they shall, with the assistance of a surveyor, by them to be selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the wood lands, cleared lands, and improvements by or

Commissioners.

Location.

Surveyor.

Plot.

OF ROADS AND BRIDGES.

through which the same shall pass; and they shall assess the damages of every owner of lands through which the same shall pass, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of the owners thereof; and they shall make a computation of the costs of opening and making said new road, and the bridges and causeways included, setting down the several items of said costs; and if a road be laid out they, or a majority of them, shall, in their return, set forth a general description of said road, and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

Damages. **Computation of costs.** **Return.** **Plot and return laid before the Levy Court.** **Appropriation for opening roads.**

SECTION 2. *And be it further enacted,* That the plot and return so to be made by the commissioners, or a majority of them, as soon as conveniently after completion may be done, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county, that the said Levy Court may approve and establish said road, by paying such costs and damages as may have been assessed by said proceedings, and also make such appropriations for opening and making the same as a public road as they may deem best. And when the said road shall have been so returned and established by the Levy Court of Kent county, the same shall be and remain subject to the same regulations as other public roads and highways in the aforesaid county.

Commissioners and surveyor sworn. **Vacancies. How filled.**

SECTION 3. *And be it further enacted,* That the said commissioners and the surveyor selected by them, before entering upon the duties required of them under this act, shall be severally sworn or affirmed faithfully and impartially to perform the several duties required of them under this act, according to the best of their skill and judgment respectively. Said oath may be administered to two of said commissioners by the other commissioner, and the same may be administered to the commissioner so administering to the said two commissioners by either one of the other commissioners,* and one of said commissioners may administer said oath to the surveyor, or any or all of the said commissioners and the surveyor may be sworn or affirmed by any person residing in this State duly authorized by law to administer oaths. In case of a vacancy or vacancies, either in case of death, refusal to act, or inability, another or others may be appointed com-

*So enrolled

OF ROADS AND BRIDGES.

missioner or commissioners by any justice of the peace of Kent county. The acts of a majority of said commissioners shall, after they have been qualified, be as valid in law as if concurred in by all of them, and their fees and the pay of the surveyor shall be fixed by the Levy Court.

SECTION 4. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken as a public act.

Passed at Dover, January 31, 1883.

CHAPTER 120.

OF ROADS AND BRIDGES.

AN ACT to extend the Public Road leading from the Town of Milford, in Kent County, to the new Wharf on Mispillion Creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the public road leading from the town of Milford, in Kent county, to the new wharf on Mispillion Creek, be and the same is hereby extended and continued on and over a private road duly laid out and opened in A. D. 1857, as follows: From the said new wharf northwesterly over Swan Creek causeway to the eastern end of a lane, and therewith still northwesterly out to the public road leading from Jenkins' Mill down Milford Neck, the same as now opened and traveled, shall be deemed and taken as a public road, and to be taken charge of by the Levy Court of Kent county as such.

Certain public road extended.

Limits.

Passed at Dover, February 1, 1883.

OF ROADS AND BRIDGES.

CHAPTER 121.

OF ROADS AND BRIDGES.

AN ACT to vacate a part of Lake Avenue as laid out on a plot of lots by
"The Rehoboth Beach Association."

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

Vacated.

Location.

Proviso.

SECTION 1. That a certain part of Lake avenue, as laid out on a plot of lots by the Rehoboth Beach Association, and recorded in the Recorder's office in and for Sussex county at Georgetown, in Book No. 82, folio 602, 603, 604, 605, and lying between the easterly side of Lake Gerar and Surf avenue, and being in length three hundred feet, and in breadth three hundred feet, and commencing and terminating at such point or points as the said the Rehoboth Beach Association may choose and designate, be and the same is hereby vacated; *provided, however*, that an avenue or space of not less than one hundred feet be left on each side of the part hereby vacated as aforesaid.

Passed at Dover, February 6, 1883.

CHAPTER 122.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Little Creek Hundred in Sussex County.

Course of
public road
changed.
Location.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That John W. McGee and Selby M. Lowe be and they are hereby authorized to change a certain public road in Little Creek hundred, Sussex county, that leads from Hitch's old mill to intersect another public road leading from the Trappe to the Tresham Mills, at the point where the said road is now crossed by a divisional line dividing lands of said Selby M. Lowe and Myers W. Vincent, and from that point to locate said road along the divisional line of said Myers W.

OF ROADS AND BRIDGES.

Vincent, Selby M. Lowe, and John W. McGee in a southerly direction to the public road leading from the Trappe to the Tresham Mills.

SECTION 2. That the said John W. McGee and Selby M. Lowe shall change, open, and make at their own expense the said road, and put the same in good order for travel, making the said new road the required width by law; and after the same is opened and made and put in good order for travel, the same from thenceforth shall be deemed a public road, and shall be repaired and kept up at the public expense as other public roads in said county.

Kept up at expense of certain parties.
When deemed a public road.

SECTION 3. That after the said road shall have been opened and put in good order for travel as aforesaid, it shall and may be lawful for the said John W. McGee and Selby M. Lowe to stop up and enclose so much of the old road as shall be vacated in making this change.

Old road may be enclosed.

Passed at Dover, February 19, 1883.

CHAPTER 123.

OF ROADS AND BRIDGES.

AN ACT to lay out a new Public Road in Mispillion Hundred, Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William H. Dickinson, Thomas H. Hands and Joseph Booth be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need for a new public road in Mispillion hundred in Kent county, beginning in the centre of the public road leading from Harrington to Frederica at the northern terminus of the old mill road leading to Tharp's grist mill, over Brown's branch, where it intersects the first named road between lands of Beniah Tharp and lands of John Thistlewood, and running from thence in a southerly direction on or about the bed of the said old mill road on or about the line between

Commissioners.
Location.

OF ROADS AND BRIDGES.

Surveyor.
Oath.

Plot.
Return.

Damages

Computa-
tion of costs.

lands of said Beniah Tharp and said John Thistlewood to an angle thereof on or about the line between lands of the above named parties, as said commissioners may deem best; thence still with said old mill road between lands of said above named parties in a westerly direction to a point in said old mill road where it turns to go up to Tharp's mill and over the mill-dam over Brown's branch where another old road intersects it leading out to Harrington; thence with said old mill road leading by the mill and over said mill-dam across lands of said Beniah Tharp a southerly direction to an angle thereof on the south side of said Brown's branch on or near the line of lands of said Beniah Tharp and lands of Burton Jarrell; thence still with said old mill road on or near the line between lands of the last named parties an easterly direction to another angle of said mill road between lands of said Burton Jarrell and lands of Joseph G. Peckham; thence still with said old mill road, or as near on the same as the said commissioners may deem best, between lands of the said Burton Jarrell and the said Joseph G. Peckham, and or near the line of lands of Evin C. Reese and lands of John W. Sedgwick a southerly direction till it intersects the public road leading from Harrington to Milford, between lands of Evin C. Reese and lands of John W. Sedgwick opposite Abner Griswold's farm. And if they, or a majority of them (being first sworn or affirmed), which oath or affirmation may be administered to each other by one or some of them, or by any other person authorized to administer oaths or affirmations, shall determine that there is need for such new public roads as herein above mentioned and described, they shall, with the assistance of a skillful surveyor, by them to be selected, who shall be sworn or affirmed to perform the duties required of him faithfully and impartially to the best of his skill and judgment, by one of said commissioners, or by any person duly authorized to administer the same, proceed to lay out said public roads, in manner and form aforesaid, as will be most advantageous to the public and the least injury to the owners through or by which the same shall pass, having respect to the nature of the grounds, the shortness of the distance, and all the circumstances of a public or private convenience or detriment; and shall cause a draft thereof to be made, to accompany their return, representing the courses and distances thereof and the improvements through or by which the same shall pass, and shall assess damages to the owner or owners through which the same shall pass; and make computation of the costs of making and opening said

OF ROADS AND BRIDGES.

new public roads, and shall set down the costs on the proceedings and their determination that there is need for said new public roads.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace of Kent county, to be by him laid before the Levy Court of Kent county for their approval; that they make appropriation for opening and making said public roads, and make allowance for fees on the proceedings for laying out, surveying and making return of the same, which shall be fixed by said Levy Court as to them it may be deemed proper, and when opened shall in all respects be subject to the same rules and regulations as other public roads in Kent county.

Plot and return laid before the Levy Court.
Appropriation. Fees.

Passed at Dover, March 5, 1883.

CHAPTER 124.

OF ROADS AND BRIDGES.

AN ACT to authorize Thomas W. Wilson to extend and straighten the State Road leading from the Town of Smyrna to the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Thomas W. Wilson be and he is hereby authorized to straighten and extend the State road leading from the town of Smyrna to the town of Dover, beginning at the point where the State road now leading from said town of Smyrna to said town of Dover now divides his land, and extend the said road in a straight line until it intersects with the road leading from the town of Dover to Cowgill's Corner; the same to be straightened and extended at the expense of the said Thomas W. Wilson.

Thomas W. Wilson to change public road. Location.
At the expense of said Wilson.

SECTION 2. That when the said road leading from the town of Smyrna to the town of Dover shall be straightened and extended, as prescribed in the first section of this act,

OF ROADS AND BRIDGES.

Old road
enclosed.

and made of the width of the said road now leading from the said town of Smyrna to the said town of Dover, the said Thomas W. Wilson be and he is hereby authorized and empowered to enclose and appropriate to his own use that part of the said public road leading from the said town of Smyrna to the said town of Dover which now divides his said land.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 6, 1883.

CHAPTER 125.

OF ROADS AND BRIDGES.

AN ACT to Widen and Straighten the Public Road leading into the Town of Dover from the Town of Camden.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Com-
mis-
sioners.

SECTION 1. That Edwin O. Eccles, Edwin M. Stevenson and Thomas W. Wilson, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to do and perform all the duties required of them under this act.

Surveyor.

SECTION 2. That said commissioners shall go upon and view the public road leading from Dover to Camden south of the town of Dover, and shall call to their assistance a skillful surveyor, and shall widen and straighten said public road, commencing at the line of the southern limits of the town of Dover, and shall lay down and widen said public road to the width of sixty feet for at least a distance of one hundred yards from the southern line of said town of Dover, and may be widened beyond the distance of one hundred yards to any width of not less than forty feet and not more than sixty feet, in the discretion of said commissioners; *provided* the whole distance so widened and straightened shall not exceed nine hundred yards from the said south line of the town of Dover.

Proviso.

OF ROADS AND BRIDGES.

SECTION 3. • That said commissioners shall cause a plot to ^{Plot.} be made, representing the courses, distances and width, and whose lands are affected by the widening and straightening said road, and they shall assess the damages of every owner of the lands affected, taking into consideration all the benefit ^{Damages.} as well as injury which will accrue to each owner; and they shall make computation of the cost of widening and straightening, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, and [said return] ^{Computation of cost. Return.} shall be by him filed in his office as a record of a public road ^{Where filed.} in Kent county. The report shall be under the hands of said commissioners, or a majority of them.

SECTION 4. It shall be the duty of the Clerk of the Peace ^{Duty of Clerk of the Peace.} at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him, and by him filed in his office, to lay the same before the Levy Court, that an appropriation may be made for widening and straightening said road, and that the said road, as laid down, shall be worked and managed the full width laid down, and shall be under the direction of the Levy Court as all other public roads are in Kent county, and shall, in all respects, be a public road the full width laid down and returned by said commissioners.

SECTION 5. That the commissioners shall be sworn, or affirmed, to perform their duties faithfully and impartially. ^{Commissioners sworn.} Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge residing in Kent county may appoint some person or persons to fill the vacancy or vacancies ^{Vacancies. How filled.} so occurring, upon the application of three citizens of Kent county, by petition preferred to said judge.

SECTION 6. That the commissioners shall be allowed one ^{Compensation.} dollar per day each, for each and every day employed in the performance of their duties, and the surveyor shall be allowed such compensation as shall be fixed by the Levy Court. The ^{How paid.} fees of commissioners, surveyor and other persons employed, shall be paid by Kent county.

Passed at Dover, March 8, 1883.

OF ROADS AND BRIDGES.

CHAPTER 126.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Kent County.

Preamble.

WHEREAS the traveling public is subjected to great danger and inconvenience by reason of the curve in the Delaware Railroad and elevation at the point where the public road leading from Bethel M. E. church to Central Mills, in Kent county, crosses said railroad on the line dividing Little Creek and Kenton hundreds; and whereas such danger and inconvenience may be avoided by changing the course of said public road so as to come around said hill or elevation; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Wm. Surgen
Richard M.
Cooper, and
Samuel Wil-
liams com-
missioners
appointed to
examine a
certain road.
Location.

SECTION 1. That William Surgen, Richard M. Cooper and Samuel Williams be and they are hereby appointed to go upon and examine said public road leading from Bethel M. E. church to Central Mills, between some point therein east of the said Delaware Railroad and some point therein west of said Delaware Railroad, and determine whether the safety and convenience of the public require the changing of the course of said public road, so as to curve around said hill or elevation between such points; and if they, or a majority of them, shall decide that such change in the course of said public road is necessary, then they, or a majority of them, shall proceed to change the course of said public road so that the same shall run in a curved direction between such points so as to avoid partially or entirely said hill or elevation. They shall cause a plot to be made, representing the proposed change in the course of said public road, and shall assess any damage which may accrue to the owner or owners of the lands through which said public road, as changed, shall pass, taking into consideration all the circumstances of benefit as well as injury which shall accrue to each of the owners, and shall make a computation of the cost of making said change in said road. They shall also, in their return, set forth their determination that there is need of the said change for public convenience, and shall annex to their return the before mentioned plot.

Majority
may change.

Plot to be
made.

Damages.

Cost.

Return.

Plot an-
nexed.

OF ROADS AND BRIDGES.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at its next regular session, or any adjourned session thereof, and the said Levy Court may adopt and establish the said road so as aforesaid changed. Laid before
Levy Court.

SECTION 3. That the aforesaid commissioners and the surveyor employed by them (if they shall deem it necessary to employ one) shall, before performing the duties herein imposed, be severally sworn or affirmed to perform their respective duties faithfully, and for such services they shall be compensated by the said Levy Court. To be sworn

SECTION 4. That the part of the original road supplied by the road laid out under this act shall be vacated, and may be enclosed by the owner or owners through which it passes, as soon as the said original public road as changed under this act is accepted and adopted by the said Levy Court and made ready for public trade. Original
road vacated
and enclosed

Passed at Dover, March 9, 1883.

CHAPTER 127.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Road and vacate an Old Road in South Murderkill Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John W. Taylor, Jehu M. Reed and James H. Salivan, of Kent county, be and they are hereby appointed commissioners to go upon and view a certain road in South Murderkill hundred, Kent county, to wit: A road commencing at a point in the public road leading from Bowers' Beach to Frederica, nearly opposite Dr. T. D. Hubbard's farm house, and running about a southeast course across the marsh to Murderkill Creek, and if they, or a majority of them, deem proper to vacate the same, and if by them so Commls-
sioners.

Location.

OF ROADS AND BRIDGES.

Vacated. vacated, to lay out, as a substitute for such vacated road, a new road in said South Murderkill hundred, commencing at a point on Murderkill Creek near the division line between the lands of Samuel H. Short and James H. Reed and running northwest, or nearly so, over a private road built by Samuel H. Short, until it intersects the public road leading from Bowers' Beach to Frederica, nearly opposite Peter Calloway's house, and continuing in a northwest direction, or nearly so, from a point in said public road on the east side of James Wyatt's land across the lands of R. V. Rote until it crosses the division line between said R. V. Rote and T. D. Hubbard, and thence with said line, or nearly so, until it reaches St. Jones' Creek at a landing known as Thomas Reed's Landing; and if the said commissioners, or a majority of them, shall determine that there is need for such change or changes, or any change or changes, in whole or in part, or for the laying out of such new road, or any part thereof, then they shall, with the assistance of a surveyor, by them employed, lay out such public road, or part thereof, as they may deem needful for the public convenience, having respect to the nature of the ground and all circumstances of public or private convenience or detriment, causing a survey and plot of said new road, if any so laid out, to be made, showing the courses and distances thereof, the clear lands and wood lands through or along which the same passes, and shall assess the damages which may accrue to the owner or owners of lands through or along which the same passes, and shall make a computation of the costs of opening and making said road, and of the bridges and causeways thereof, if any, setting down the several items of said costs, and shall make return thereof, with a description of said new public road, and their determination that there is need for the same so laid out, and that such change or changes in such old road ought to be made and are needed for public convenience, and shall annex to their return the aforementioned plot, showing the new road laid out, and so much of the old road as they may change or vacate.

Surveyor.

Plot.

Damages.

Computation of costs.

Return.

Plot and return laid before the Levy Court.

Levy Court may adopt.

SECTION 2. That the said plot and return so made, or caused to be made by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at the next or any ensuing session after such return, and the said court may adopt and establish the said road so laid out and returned to them.

OF ROADS AND BRIDGES.

SECTION 3. That the said commissioners and the surveyor ^{Oath.} employed by them shall, before entering upon their duties herein imposed, be severally sworn or affirmed to perform their respective duties with fidelity and impartiality and according to their best skill and judgment, and for their services shall receive such fees as are by law allowed for like services ^{Fees.} under orders of the Superior Court for laying out new roads.

SECTION 4. That the new road hereby authorized shall, from the time of its adoption by the Levy Court, be deemed and taken to be a public road, and the laws of the State of Delaware applicable to public roads in Kent county are hereby extended to and shall apply to said road.

Passed at Dover, March 13, 1883.

CHAPTER 128.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Milford Hundred,
Kent County.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That John M. Webb be and he is hereby au- <sup>J. M. Webb
authorized
to straighten
public road.
Location.</sup>thorized and empowered to straighten that part of the public road leading from John W. Hall's land in Milford hundred, Kent county, and to continue in a straight line through said John M. Webb's land until it intersects or strikes a point in the Pier road.

SECTION 2. That when the said John M. Webb shall, at <sup>When
deemed to
be a public
road.</sup>his own expense, have made such change and opened the road hereby authorized to the width of thirty feet, and put the same in such order for travel as the Levy Court of Kent county may deem sufficient, it shall be taken and maintained as other public roads in Kent county; and it shall be lawful for the said John M. Webb to vacate the road superseded by <sup>May enclose
old road.</sup>the road authorized by this act [and] to enclose the same.

Passed at Dover, March 21, 1883.

OF ROADS AND BRIDGES.

CHAPTER 129.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Mispillion Hundred in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Clement C. Simpson, Jacob Graham, and James Voss commissioners to examine certain road.

Location.

Majority may decide as to new road.
Damages.

Surveyor.

Plot and return.

Allowance.

Public road.

Commissioners and surveyor to be sworn.

SECTION 1. That Clement C. Simpson, Jacob Graham and James Voss, three judicious and impartial citizens of Kent county, be and they are hereby appointed to go upon and view the premises and determine whether there is need for a new public road in Mispillion hundred in Kent county, to begin in the centre of the public road leading from Vernon to Burrsville, near where the old Quaker Church formerly stood, at the end of an old roadway or outlet between lands of John A. Cahall and lands of James P. Hopkins, and to run from thence, with said old roadway or outlet as they may deem best, a southerly direction to an angle thereof on or near lands of William W. Simpson, and thence across lands of said William W. Simpson and on or near lands of Willard Layton, a southwesterly direction as they may deem best, to intersect the public road leading from Burrsville to Marsh Hope Bridge at the intersection of another road leading from the said last named road to Potter's Landing, between lands of said Willard Layton and lands of the heirs of John Fearn, deceased, and if they or a majority of them shall determine that there is need of a new road, they shall lay out the same, and assess the damages and costs, and the expense thereof of making said road, and cause a survey thereof to be made by some skillful surveyor by them to be selected, and cause a plot to be made to accompany their return to the Levy Court of Kent county. The Levy Court may make appropriation for opening the same as a public road, after making allowance for the costs on the proceedings, and when the draught and return shall have been so returned and approved, the said new road shall be deemed and taken as a public road in like manner as other public roads in Kent county.

SECTION 2. That the commissioners and the surveyor be sworn or affirmed, before entering upon the duties hereby assigned, to perform the same faithfully and impartially;

OF ROADS AND BRIDGES.

which oath or affirmation may be administered among themselves or by any other person duly authorized to administer the same.

SECTION 3. That the pay of the commissioners, surveyor and chair-carriers shall be such as the Levy Court may deem proper. Compensation.

Passed at Dover, March 21, 1883.

CHAPTER 130.

OF ROADS AND BRIDGES.

AN ACT to authorize John W. and David H. Houston to change the course of a Public Road running through their lands in Broadkilk Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That John W. and David H. Houston be and they are hereby authorized to change the course of the public road in Broadkilk hundred, Sussex county, from the place where it begins on the public road leading from the Red Mill to the Drawbridge, opposite the front gate of their farm, and extends thence obliquely across a portion of their lands in the direction of Milton, and which land they now desire to enclose and put in cultivation by vacating so much thereof as extends from the place before designated obliquely across the said portion of their lands to the northern limits or boundary line of the same, and in lieu thereof to open and construct from the last mentioned place a public road thirty feet wide, at their expense and on their land, in a straight and easterly direction and parallel with the said northern limit or boundary line of their land to the said public road leading from the Red Mill to the Drawbridge as aforesaid. John W. and David H. Houston may change a certain road. Location. Width. At their own expense.

SECTION 2. That whenever and as soon as they have made the change therein and opened and constructed in lieu thereof, as hereby authorized and provided for, the new public road herein described and directed, to the satisfaction Vacated road to be closed.

OF ROADS AND BRIDGES.

and approval of the Levy Court of said county, it shall be lawful for them to enclose so much of said public road as they are hereby authorized to change and vacate as aforesaid, and the new public road in lieu thereof so opened by them shall be deemed and taken to be, to all intents and purposes,

Public road, a public road in said county.

Passed at Dover, March 27, 1883.

CHAPTER 131.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Broad Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

William G. Moore and Janey Wright may change a certain road.
Location.

SECTION 1. That William G. Moore and Janey Wright be and they are hereby authorized to change and straighten a public road now running across the lands of said William G. Moore and Janey Wright so that said road shall run about a south course from William G. Moore's dwelling house through lands of said William G. Moore and Janey Wright to the public road leading from Bethel to Georgetown.

Vacated road to be closed.

SECTION 2. That when the said William G. Moore and Janey Wright shall, at their own expense, have made such change and opened the road hereby authorized to the width of thirty feet and put the same in such order for travel as the Levy Court of Sussex county may deem sufficient, it shall be taken and maintained as other public roads in Sussex county, and it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the parties owning the land on which the road hereby vacated runs to enclose the same.

Passed at Dover, March 28, 1883.

OF ROADS AND BRIDGES.

CHAPTER 132.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Duck Creek Hundred, Kent County and State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John Mustard, Joseph E. Disch, James C. Robinson, John W. Fenimore and John P. M. Denney, ^{Commissioners.} be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Duck Creek hundred in Kent county, beginning at ^{Location.} or near the terminus of the public road leading from Smyrna to White Hall Landing, where said public road terminates at Leipsic Creek, and running thereto in a westerly direction along the northern side of said creek, and by and with the several courses thereof, a distance of about one-quarter of a mile. If the said commissioners or a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor to be by ^{Surveyor.} them selected, lay out such new public road as they shall deem proper, but not less than fifty feet in width, having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made, showing the courses and distances ^{Plot.} thereof, with notes of the most remarkable places, and of the lands through or upon which the same shall pass, and they shall assess the damages of every owner of said lands through ^{Damages.} or upon which said road will pass, by reason of the laying out of said new public road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of ^{Computation of cost.} the cost of opening and making said road and of making the bridges and causeways thereon, in case any bridges or causeways shall be deemed necessary, setting down the several items of said costs, and shall, in their return, set forth a description of said new public road and their determination that there is need of the same for public convenience, and shall ^{Return.} annex to their return the aforementioned plot.

SECTION 2. *And be it further enacted,* That the plot and return so to be made as aforesaid by the said commissioners,

OF ROADS AND BRIDGES.

Plot and
return laid
before the
Levy Court.

May adopt
said road.

or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at the first meeting thereof after said plot and return shall have been received by him, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same laws and regulations as other public roads in said county.

Oath.

SECTION 3. *And be it further enacted*, That the said commissioners and surveyor, before performing the duties required of them respectively under this act, shall be sworn or affirmed to perform their duties under this act, according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners or by any justice of the peace residing within Kent county. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case any one or more of said commissioners shall refuse or neglect to perform the duties required of them by this act, or in case any vacancy or vacancies shall occur among said commissioners before the duties herein required of them are performed, any judge of this State or any justice of the peace residing within Kent county, may appoint another or other commissioner or commissioners to act in the place of any one or more refusing or neglecting to act, or to fill any vacancy or vacancies that may occur among said commissioners. The fee of each commissioner shall be one dollar and the fee of the surveyor two dollars, for each day of actual service, with a proper compensation to the surveyor for his plot and drawing the return.

Vacancies.

Fees.

SECTION 4. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, March 28, 1883.

OF ROADS AND BRIDGES.

CHAPTER 133.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in East Dover Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Henry Ridgely, Thomas Pickering, John H. Bishop, Webster D. Leonard and Ephraim S. Garrison be and they are hereby appointed commissioners to open and lay out a public road in East Dover hundred, Kent county, and State of Delaware, beginning at the terminus of State street, in or near the town of Dover, and running across the pond known as Shakespeare's Mill-Pond until it intersects the lands of Thomas Adkins, then a northeasterly course through the lands of Thomas Adkins, Hannah M. Cowgill and Samuel Moore, until it intersects with the road now leading from the town of Dover to the town of Smyrna at the point where the road leading from the town of Leipsic to the town of Dover intersects with the said road leading from the town of Dover to the town of Smyrna. The aforesaid commissioners, or a majority of them, shall cause the same to be surveyed by a skillful surveyor, to be by them selected, and opened as aforesaid, and shall assess any damage which may accrue to the owner or owners of said lands through which the aforesaid public road may pass.

Henry Ridgely and others commissioners to lay out public road. Location. Surveyor. Damages.

SECTION 2. That the aforesaid commissioners shall cause a map of the said road to be returned to the Clerk of the Peace in and for Kent county, designating the course of said road, the length of bridge necessary to allow the passage of the water of the aforesaid mill-pond, and the width of said road so laid out by them as aforesaid; and said map, return and plot shall be laid by the Clerk of the Peace in and for Kent county before the Levy Court of Kent county, and if the said Levy Court approves the said road so laid out as aforesaid, they may make such allowances as will be necessary to make and open said new road; *provided* that the said bridge shall be placed over the deepest water where the line of the said road shall cross the channel of the said mill-pond; *and provided* that the abutments and supports of the said bridge shall consist of solid stone masonry and be constructed in such manner

Plot returned. Allowances. Proviso. Bridge.

OF ROADS AND BRIDGES.

as to permanently secure a clear width of water passage of not less than thirty feet, and a permanent depth thereof not less than the depth at present found to exist at the location of the natural channel when the water in the said mill-pond is at a full head.

To be sworn. SECTION 3. That the commissioners and surveyor, before viewing the premises, shall be severally sworn or affirmed faithfully and impartially to perform the duties incumbent on them respectively. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and a majority may do and determine any matter. In case of a vacancy or vacancies in the commissioners named in the first section, the resident judge of the county may appoint a commissioner or commissioners to fill such vacancy or vacancies. The fees of the commissioners, surveyor and chain-carriers shall be the same as is provided by law for similar services in case of laying out public roads, and shall be paid for by the Levy Court of Kent county.

Vacancies. How filled.

Fees.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 29, 1883.

CHAPTER 134.

OF ROADS AND BRIDGES.

AN ACT authorizing Theodore P. Sirman to vacate an old road and open a new one in Gumboro' Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

May vacate certain road.

Location.

SECTION 1. That Theodore P. Sirman be and he is hereby authorized to change a certain public road in Gumboro' hundred in Sussex county, as follows: commencing at a point on the public road leading from Terrapin Hill to Little Hill Protestant Episcopal church, where the westerly side or corner of said Theodore P. Sirman's land touches said road, and running from thence in an easterly direction a straight

OF ROADS AND BRIDGES.

line to just across a small drain or branch, a distance of some two hundred yards or more, all on land of the said Theodore P. Sirman.

SECTION 2. That the said Theodore P. Sirman shall change, make and open, at his own expense, the said road, and put the same in good order for the public travel, making the said road the required width by law, and after the same has been put in good order for public travel as aforesaid, and after the same has been approved and accepted by the Levy Court, to be and thereafter form a part of the public road to be maintained and kept up at the public expense, as other public roads, and the said Theodore P. Sirman is hereby authorized to enclose that part of the old road so vacated.

Levy Court
may adopt.

Old road
may be en-
closed.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 4, 1883.

CHAPTER 135.

OF ROADS AND BRIDGES.

AN ACT to authorize the vacation of a part of a certain Public Road near the Village of Farmington, in Mispillion Hundred, in Kent County, and to substitute a New Road to be laid out in lieu of the part of said Public Road so vacated.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Nathaniel C. Powell, James M. Cain, Asbury M. Day, James H. Morgan and William H. Knox be and they are hereby appointed commissioners, who are hereby authorized, empowered and directed to go upon the premises and determine whether a new road should be laid out, beginning at a point in the public road leading from the village of Farmington in Mispillion hundred, in Kent county, to Bethel M. P. church, about opposite to the residence of William H. Murphy, in the said village of Farmington, and running thence through or across lands of the said William

Commis-
sioners.

Location.

OF ROADS AND BRIDGES.

H. Murphy and lands of Moses Harrington in a westerly direction until it reaches the said public road leading from the said village of Farmington to said Bethel M. P. church, and [that] that part of said public road lying immediately beyond the western limits of said village of Farmington, which is semi-circular in shape and for which the new road designed and contemplated in this act is a substitute, be vacated. And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out, and that part of said public road for which the said new road designed and contemplated by this act is a substitute vacated, then they shall, with the assistance of a skillful and impartial surveyor, by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals, and vacate the said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall cause a draught thereof to be made, showing the new road as well as the said part of said public road for which the said new road designed and contemplated by this act is a substitute, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road and the vacating of said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Surveyor.

Plot.

Damages.

Computation of costs.

Plot and
return laid
before the
Levy Court.

Levy Court
may adopt.

SECTION 2: That the said draught, together with the return of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and if no sufficient objection is made thereto, then the said Levy Court of said county shall approve and confirm the said draught and return of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners, and pay the legal charges of the commissioners, surveyor, &c., as other similar expenses are paid, and when the said draught and return shall have been so approved

OF ROADS AND BRIDGES.

and confirmed, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said new road; and the said part of the said public road for which the said new road, designed and contemplated by this act, is a substitute, and ordered to be vacated, may be taken in and enclosed by the owner or owners whose property it adjoins or passes through. ^{Old road enclosed.}

SECTION 3. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor (if one shall be employed) to perform the services required of him faithfully and impartially, according to the best of his skill and judgment, which oaths or affirmations may be taken before any notary public or before any justice of the peace in and for Kent county, and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners to supply such vacancy or vacancies. ^{Oath. Vacancy.}

SECTION 4. That nothing shall be done under or in pursuance of the authority of this act which shall in any manner impair the water courses or ditches appertaining to the lands of the said Moses Harrington, and in case said water courses or ditches shall be changed by the proposed change in the course of said public road, then said water courses or ditches as changed, or those already established, or any part thereof which may be continued or adopted for the use of the lands of said Harrington, shall be made as good and efficient as the present water courses or ditches are for the drainage of the said lands of said Harrington at the cost and charge of Kent county. ^{Not to interfere with certain ditches, etc.}

Passed at Dover, April 5, 1883.

OF ROADS AND BRIDGES.

CHAPTER 136.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 442, Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sections 1
and 2,
Chapter 442,
Volume 16,
amended.

SECTION 1. That Chapter 442, Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the name of "Charles Denney," where the said name occurs in Sections 1 and 2 of said chapter, and substituting in lieu thereof the name of "William S. Heverin."

Passed at Dover, April 6, 1883.

CHAPTER 137.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Mispillion Hundred in Kent County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commissioners.

Location.

SECTION 1. That Alex. Johnson, H. C. Wolcott and James A. Smith, three judicious and impartial citizens of Mispillion hundred, be and they are hereby appointed [commissioners] to go upon and view the premises and determine if there is need of a change in the course of the public road leading from Harrington, in Mispillion hundred, Kent county and State of Delaware, to Burrsville, in Caroline county and State of Maryland, beginning at a point where the public road leading from Robert Raughley's gate intersects said road leading from Harrington to Burrsville, and following the course of the "old road bed" (vacated by an act passed at Dover, March 13, 1879), or as nearly thereto as they may deem expedient, to a point where the said "old road bed" intersects the said road leading from the town of Harrington to the town of Burrsville; and also to view the premises and

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determine if there is need of a change in the public road leading from the town of Farmington, in Mispillion hundred, Kent county, to the town of Burrsville aforesaid, commencing at the point where the public road leading from the said town of Farmington to the town of Burrsville intersects the said road leading from the town of Harrington to the town of Burrsville, and following the course of the "old road bed" until it intersects the "old road bed" first in this section mentioned. And if they, or a majority of them, shall determine that the public convenience requires a change in said public road, as above stated, they shall, with the assistance of a skillful surveyor, after being duly sworn or affirmed, reopen the said old road, as above designated, of the width of forty feet, and cause a plot thereof to be made, representing the courses and distances thereof; and shall assess all damages, if in their judgment any should be allowed, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of reopening said road.

SECTION 2. That the plot and return so to be made as aforesaid shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, that they may make an appropriation for reopening the said old road.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

SECTION 4. That Chapter seventy-nine of Volume sixteen, Laws of Delaware, be and the same is hereby repealed; and when and so soon as the said old road shall have been reopened as aforesaid, that Reuben Ross and Mrs. General A. T. A. Torbert are hereby authorized to enclose such parts of the said road leading from Harrington to Burrsville as are superseded by the road hereinbefore authorized to be reopened.

Passed at Dover, April 10, 1883.

OF ROADS AND BRIDGES.

CHAPTER 138.

OF ROADS AND BRIDGES.

AN ACT to Change and Straighten a Public Road in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners.

Location

Surveyor.

Plot.

Return.

Levy Court
may adopt.

SECTION 1. That E. M. Lowe, Jacob H. Adams and J. W. Anderson, be and they are hereby appointed commissioners to go upon and view the premises and lands, and determine whether it is necessary for public convenience to straighten and change the public road leading from the town of Laurel to the Big Mills, in Little Creek hundred, Sussex county, as follows: beginning at a point in the said road opposite the lot of Ann Corner and running thence in a straight line along the said road to a point in the said road between the land of James Cannon and the land of A. J. Horsey. If the said commissioners shall so determine that the said road shall be straightened and changed as aforesaid, then they shall, with the assistance of a skillful surveyor, locate and lay down the same, and assess all damages on account of the location thereof, and also the cost of making the said change. That the said commissioners shall make or cause to be made a plot of the said road so changed, and return the same to the Levy Court of Sussex county at its next session thereafter, which may be accepted by said Levy Court as the public road as aforesaid, and the said Levy Court shall make an allowance for the payment of all the costs attending the change of the said public road and the damages assessed therefor.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 11, 1883.

OF ROADS AND BRIDGES.

CHAPTER 139.

OF ROADS AND BRIDGES.

AN ACT to Straighten a Public Road in West Dover Hundred, Kent County, from Hawkins' M. E. Church to Wright's Cross Roads.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Martin R. Ford, Jonathan Slaughter and James Johns, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and premises and determine whether it is necessary for public convenience to straighten the public road leading from Wright's Cross Roads to Hawkins' M. E. church, as follows: beginning at a point in the centre of said road on the dividing line of the lands of Mollie E. Vansant and Mary A. Daily, and running thence in a northeasterly direction, or in such direction as said commissioners may deem best, on lands of the said Mary A. Daily, Thos. J. Marvel, Wilson L. Cannon and the heirs of Beachamp Morris, until it intersects the public road between the two above-named places, Wright's Cross Roads and Hawkins' M. E. Church. If they, the said commissioners, shall so determine that said public road shall be straightened as aforesaid, then they shall, with the assistance of some skillful surveyor to be by them employed, locate and lay down the same, and assess the damages for the same on account of the location of said road, and also the cost of making said change, and they shall make a plot of the same showing the courses and distances.

SECTION 2. *And be it further enacted,* That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court, that the said Levy Court may establish said road by paying such damages and costs as may have been assessed by said proceedings; and when said road may have been returned and established by the Levy Court of Kent county, the same shall be and remain subject to the same regulations as other public roads in the county.

SECTION 3. *And be it further enacted,* That the said commissioners and the surveyor selected by them, before

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entering upon any of the duties required of them under this act, shall be severally sworn or affirmed, faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any justice of the peace of Kent county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Vacancy.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 11, 1883.

CHAPTER 140.

OF ROADS AND BRIDGES.

A SUPPLEMENT to the act entitled "An act to authorize the vacation of a part of a certain Public Road near the Village of Farmington in Mispillion Hundred, in Kent County, and to substitute a New Road to be laid out in lieu of the part of said Public Road so vacated," passed at Dover, Delaware, April 5th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
extend cer-
tain road.

Location.

SECTION 1. That the commissioners appointed by the act to which this is a supplement be and they are hereby further authorized, empowered and directed to extend the public road known as the Hammondtown road in a southerly direction through lands of Moses Harrington until it intersects the new public road authorized to be laid out by the said act to which this is a supplement; and that all the provisions of the said act to which this is a supplement in relation to the new

OF ROADS AND BRIDGES.

public road therein authorized to be laid out shall extend and be applied to the said extension of the said Hammondtown road.

Passed at Dover, April 13, 1883.

CHAPTER 141.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Duck Creek Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

[SECTION 1.] That David Rees, Charles H. Register and Peter E. Lowber, of Kent county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the county aforesaid, to commence at the western terminus of Commerce street, in the town of Smyrna, and thence on a line with said Commerce street through Spruance City to the intersection of a public road dividing said Spruance City from the lands of John Anthony; and if the said David Rees, Charles H. Register and Peter E. Lowber, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall, with the assistance of some skillful surveyor, to be by them employed, lay out such public road as shall be most proper, and shall make a map of said road, showing the courses and distances, and shall assess the damages of the property through which the road shall pass, and shall compute the cost of opening and making such road.

SECTION 2. *And be it further enacted,* That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court; and the said Levy Court may establish the said road by paying such damages and costs as may have been assessed by said proceedings; and when said road may have been so returned and established

OF ROADS AND BRIDGES.

by the Levy Court of Kent county the same shall be and remain subject to the same regulations as other public roads or highways in the aforesaid county.

Oath. SECTION 3. *And be it further enacted*, That the said commissioners and surveyor shall, before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them, according to this act, faithfully and impartially to the best of their skill and judgment; and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 19, 1883.

CHAPTER 142.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Mispillion Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis- SECTION 1. That Josiah Marvell, Joseph Booth and Amos sioners. Cole, three judicious and impartial freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion hundred, to begin at a point in the public road leading from the town of Harrington to the town of Frederica, at the corner of land of Samuel Powell and Thomas Hand, and then running a southerly direction with the line of lands of Samuel Powell, Thomas Hand and William H. Sapp to Brown's Branch, thence crossing said branch and continuing the same direction and running between or across lands of James C. Reed and J. G. Peckham to lands of Evan C. Reese, and thence between lands of said Reese and J. G. Peckham till it intersects the

Location.

OF ROADS AND BRIDGES.

"old mill road" leading from Harrington to Tharp's grist mill, at or near a new house on said "old mill road," and if they, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a Surveyor, skillful surveyor by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through or along which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road, and shall return the same, accompanied by a plot of said new road, to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road. When the draft and return shall have been accepted by the said Levy Court the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said road.

Plot and return laid before the Levy Court.
Levy Court may adopt.

SECTION 2. That the commissioners and surveyor be severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially.

SECTION 3. That the pay of the commissioners, surveyor and chain-carriers shall be such as the Levy Court may deem proper.

SECTION 4. That all boards of commissioners appointed by act of the General Assembly at its present session to lay out public roads, shall have power and authority to fill any vacancy or vacancies that may occur in said commissioners from any cause.

Passed at Dover, April 19, 1883.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 143.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend Chapter LXIII of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 2 of
Chapter 63,
Revised
Statutes
amended.

No days of
grace on
checks pay-
able at time
differing
from date.

SECTION 1. That Section 2 of Chapter 63 of the Revised Statutes be and the same is hereby amended by striking out the word "checks," in the fourth line thereof, and by adding to the said section the following, to wit: "but no days of grace shall be allowed on checks payable at a future or different time from that in which they are dated, or which are made payable on a particular day after date."

SECTION 2. That this amendment is to go into effect on the first day of May, A. D. eighteen hundred and eighty-three.

Passed at Dover, March 22, 1883.

OF WEIGHTS AND MEASURES.

CHAPTER 144.

OF WEIGHTS AND MEASURES.

AN ACT to Provide for the Regulation of Weights and Measures in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Regulator of Weights and Measures in and for New Castle county shall, once in every year, advertise in at least two newspapers in the county, one of each political party, the place where his office is located. He shall also once in every year go to all the stores, offices, booths, stalls or other places of business in his county (except the public market and market houses in the city of Wilmington) where any beams, scales, weights and measures are used for the purpose of buying and selling any goods, chattels or other things, and test and adjust or cause to be tested and adjusted (if possible) all such beams, scales, weights and measures, and stamp the same plainly with the letter "S" and the initial of his county and the current year. He shall also, in like manner, at all other times, test and adjust such beams, scales, weights and measures as may be brought to him for that purpose.

Regulator
for New
Castle
county.

Notice of
location of
office.

Annual
visits to reg-
ulate
weights,
measures,
etc.

Same must
be stamped,
and how.

SECTION 2. For which trial and adjustment the said regulator for New Castle county, in addition to the salary already allowed by law, shall demand and receive from the proprietors or owners of all such weights, and beams, and scales, and measures, the following fees, to wit: for the trial and balancing of every set of scales, eight cents; for every patent balance, fifteen cents; for every set of coal or hay scales, one dollar each; for every set of platform scales which draws five hundred pounds or under, fifty cents, and an additional sum of five cents for every one hundred pounds not exceeding two thousand pounds, and any platform scale drawing over two thousand pounds shall be classed as coal or hay scales; for every yard measure, two cents; for every bushel measure, ten cents; for every half-bushel measure, seven cents; for every peck and half-peck measure, five cents; for every quarter-peck measure, three cents; for every gallon, half-gallon and quart measure, three cents each; for every pint measure or less, two cents; for every weight of twenty-

Regulator's
fees. By
whom paid.

OF WEIGHTS AND MEASURES.

Additional fees. How adjusted. eight pounds or more, eight cents; for every weight less than twenty-eight pounds, two cents, and an additional charge or fee for labor or materials furnished for adjusting said beams, scales, weights and measures to be fixed by agreement between the regulator and the owner or user thereof; *provided, always,* that the said regulator shall only be entitled to one-half of the above fees for stamping such beams, scales, weights and measures as he shall find to be correct after testing the same.

Proviso.

How false weights, etc. are to be stamped. SECTION 3. The said Regulator of Weights and Measures for New Castle county is hereby required to stamp, or cause to be stamped, with the word "C'M'D," all false beams, scales, weights and measures, as he may find within the county that cannot be well adjusted, and shall be paid one-half of the fee for such test and stamping, as is provided for in this act in other cases, and all the provisions of this act relating to the inspection of beams, scales, weights and measures used for the purpose of buying and selling, shall also extend to all such beams, scales, weights and measures as are or may be used for ascertaining weights and measures for the purpose of charging for freight, tonnage, transportation, commission and all other charges, when such charges are regulated by weight or measure.

Fees.

Penalty for violation of the provisions of this act. SECTION 4. In case any user or owner of such beams, scales, weights and measures within the County of New Castle, in this State, shall refuse or neglect to comply with any of the requisitions which the said regulator is by this act authorized or directed to make; or shall knowingly sell or buy any false beams, scale, weight, or measure; or shall purposely alter any beam, scale, weight, or measure, so that the capacity is diminished or increased after the same shall have been adjusted and stamped; or shall, in buying or selling, knowingly use any beam, scale, weight, or measure, so altered, or shall purposely alter any beam, scale, weight, or measure so as to impair the adjustment thereof after the same shall have been adjusted and stamped; or shall knowingly have in his possession any beam, scale, weight, or measure so altered as aforesaid; or shall knowingly buy, sell, use, or barter by any beam, scale, weight, or measure, or other weighing or measuring apparatus that has not been duly adjusted and stamped as aforesaid; or shall knowingly make, use, or have in possession any false stamp or brand for stamping any beams, scales, weights, or measures, he or they

OF PILOTAGE, NAVIGATION AND VESSELS.

shall be guilty of a misdemeanor and be liable to indictment, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, and shall pay the costs of prosecution. And all fines recovered for any offense under this act shall be for the use of the county, and be paid by the officer receiving the same to the Treasurer of New Castle county. *Provided, however,* that no owner or user of beams, scales, weights and measures, as aforesaid, shall incur any of the liabilities and penalties prescribed by this act until after the regulator has called at his or their store, office, booth, stall, or place of business, *for the purpose* of testing or adjusting the same.

Misdemeanor.
Fine.
Pay costs of prosecution.

Proviso.

SECTION 5. That all beams, scales, weights and measures tested, adjusted and stamped under the provisions of this act, which shall be used in the public markets and market houses of any city or incorporated town in said county, shall be liable to be tested and adjusted by the Regular of Weights and Measures of such city or town, but no fee shall be charged therefor; *provided, however,* that if, upon such testing and adjustment, such beams, scales, weights, or measures shall be found to be false, the person or persons in whose possession the same shall be found shall, in addition to the fees prescribed by Section 3 of this act, pay to the Regulator of Weights and Measures of such city or town the fees allowed to such regulator for like services under the ordinances and regulations of said city or town.

Weights, etc., in public market and market houses liable to be tested.

No fee allowed.
Proviso.

Passed at Dover, April 5, 1883.

CHAPTER 145.

OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT to amend Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 5 of Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," be and the

Sections 5 and 6, Chapter 449, Volume 16, amended.

OF PILOTAGE, NAVIGATION AND VESSELS.

same hereby is amended by inserting in the said section after the words "by a libel in admiralty in any United States District Courts," in the sixteenth and seventeenth lines of said section, the words following, to wit: "either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

Section 6
amended.

Pilotage of
inward
bound
vessels.

Penalty for
refusal to
accept pilot.

How
recovered.

Remedy by
libel in
admiralty.

SECTION 2. That Section 6 of the said act be and the same hereby is amended by adding at the end of said section the words following, to wit: "Any pilot bringing in any inward-bound ship or vessel shall, by himself or one of his boat's company, be entitled to pilot said ship or vessel, to sea when she next leaves the port; and if the master of such ship or vessel shall refuse or neglect to take such pilot, the master, owner, or consignee of such ship or vessel shall forfeit and pay to such pilot, suing for the same, a sum equal to the pilotage of such ship or vessel, to be recovered by a suit in our State courts, or before a justice of the peace; or such pilot may pursue his remedy therefor by a libel in admiralty in any United States Court, either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

When
licenses
granted.

SECTION 3. That hereafter no license of the first or second class shall be granted to any person or persons, except such person or persons as have heretofore held, or do now hold such license under the laws of this State, or shall have served a regular apprenticeship of at least six years to a licensed pilot of this State, on board of a Delaware bay and river pilot boat, and all parts of said act entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," inconsistent herewith, are hereby repealed.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 15, 1883.

CONCERNING RAILROAD EQUIPMENTS.

CHAPTER 146.

CONCERNING RAILROAD EQUIPMENTS.

AN ACT to secure Manufacturers and Owners of Railroad Equipments and Rolling Stock in making conditional sales and certain contracts for the lease thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That in all cases where railroad equipments and rolling stock may have been or shall be sold to any person, firm or corporation, to be paid for in whole or in part in installments, or shall be leased, rented, hired or delivered on condition that the same may be used by the person, firm or corporation purchasing, leasing, renting, hiring or receiving the same, the title to the same to remain in the vendor, lessor, rentor, hirer or deliverer of the same until the agreed upon price of or rent for such property shall have been fully paid, such condition in regard to the title so remaining in the vendor, lessor, rentor, hirer or deliverer until such payments are fully made, shall be valid for all intents and purposes as to subsequent purchasers in good faith and creditors; *provided*, the term during which the installments or rent are to be paid shall not exceed ten years, and such contracts shall be in writing and acknowledged.

Railroad equipment leased or sold.
Title thereto to remain in vendor, if sold on condition.
Evidence by written agreement.

SECTION 2. That such contract shall be recorded in the office of the Secretary of State at Dover, and in the county in which is located the principal office or place of business of such vendee or lessee, and on each locomotive or car that may have been or may be sold or leased, the name of the vendor or lessor, or assignee of the vendor or lessor, shall be marked, followed by the word "owner" or "lessor," as the case may be.

Contract. Where recorded.
Name of owner or lessor marked on car or locomotive.

SECTION 3. That this act shall take effect from its passage.

Passed at Dover, February 7, 1883.

TITLE TENTH.

Of Corporations.

CHAPTER 147.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

AN ACT concerning Private Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Corporate
powers
enumerated
as follows.

SECTION I. That every corporation, as such, shall be deemed to have power:

I. To have succession, by its corporate name, for the period limited in its charter or certificate of incorporation, not exceeding twenty years, and when no period is limited, for twenty years, except corporations created by Act of Assembly for public improvement;

II. To sue and be sued, complain and defend in any court of law or equity;

III. To make and use a common seal, and alter the same at pleasure;

IV. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter, and all other real estate which shall have been bona fide mortgaged to the said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decree which shall be obtained for such debts; and to mortgage any such real or personal estate with their franchises; the power to hold real and personal estate shall include the power to take the same by devise or bequest, excepting when the same

GENERAL PROVISIONS CONCERNING CORPORATIONS.

is forbidden by law in certain cases; *provided, however*, that nothing herein contained shall prohibit manufacturing or trading corporations from accommodating their customers by making payments or disbursements out of any sum of money received from such customers;

V. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation;

VI. To make by-laws not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors for the management of its property, the regulation and government of its affairs, and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars;

VII. To wind up and dissolve itself, or be wound up and dissolved in the manner hereafter mentioned.

SECTION 2. The powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in its charter, or in the act or certificate under which it shall be incorporated. In addition to the powers enumerated in the first section of this act, and to those expressly given in its charter, no corporation shall possess or exercise any corporate powers except such as shall be necessary to the exercise of the powers so enumerated and given.

Applicable
to all future
corporations

SECTION 3. No corporation created under this act shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying gold or silver bullion, or foreign coins, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt upon loan for circulation as money.

Powers not
conferred.

SECTION 4. When the whole capital stock of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the company.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Additional
powers to
corporations
organized to
reclaim low
lands.

Commis-
sioners'
duties.

Return.

Survey.

Valuation.

Damages.
How paid.

Return con-
clusive.

Commis-
sioners
sworn.

SECTION 5. Any company created under this act for the drainage of low lands shall, in addition to the other powers conferred by this act, have power, for the purpose of the reclamation of low lands by ditching, draining and bringing them into cultivation, to enter upon any lands that, in the opinion of the directors or managers, will be benefited by the operations to be performed by the company, and with their workmen, laborers, teams, &c., to cut and make, and when made, from time to time, to clear out and scour all such ditches or drains as in the opinion of such directors or managers shall be necessary for effectually draining and reclaiming the said lands. Before taking any steps, however, to accomplish the ends of its incorporation, the said company shall apply to the Superior Court for the appointment of commissioners to go upon the lands through, along or across which the ditches of the said company are proposed to be cut, and view the same and determine whether any or which of them will be benefited by the same, and to make a return of their proceedings in the premises to the Recorder, with a survey of the proposed ditches, showing their course, and the lands, by general designation, through, along or across which they will run and to be benefited thereby, and the probable cost of making the improvements. They shall also return a valuation of the several parcels of land to be benefited by such improvements. Should there be upon the lines of the company's works any lands through, along or across which the ditches are to be made that will be injured by the making of them, they shall estimate such damage in money, and the same shall be paid to the owner, or, in case of his refusal to receive it, or absence from the State, or inability by reason of legal disability, it shall be deposited to his credit in the Farmers' Bank, or that branch thereof at the county seat, before the company shall have any right to construct or make their works through such land. The return of the commissioners shall be final and conclusive upon all parties, and shall be the basis upon which the taxes of the company are to be laid. It shall continue until a majority of the taxables demand a new one, proceedings for which shall be taken in the said court by petition, and the prayer of the petition granted if in the opinion of the court such new valuation is proper to be made at the time. Before any commissioners appointed under this section proceed to act they shall be sworn or affirmed, before a justice of the peace, to perform the duties of their appointment with fidelity, which qualification must be certified upon their return. When record is made of the return, the original

GENERAL PROVISIONS CONCERNING CORPORATIONS.

shall be delivered over to the company, and it, or the records, or any office copy of the latter, shall be evidence. The commissioners shall be each paid by the company two dollars for each day employed by them under this act, and the surveyor for his survey and plot (including fee of one dollar and fifty cents each per day to the chain-carriers) such sum as the commissioners may deem just; and this money shall be paid before the commissioners shall be required to make any return. The Recorder's fee shall also be paid to him at the time of the delivery over by him of the said return. Whatever money the company may find it necessary to raise for cutting the ditches (including the expenses in this section provided for,) and for keeping the same open and in repair, shall, from time to time, as the exigency may require, be collected by taxation of the owners, according to the nature of their property to be benefited; to provide for which the managers shall make an estimate of the money to be raised and apportion it among the said owners; and they shall at once give notice, under their hands, of a meeting of said owners, to be held at some convenient place, to consider the said apportionment. At said meeting any owner shall have the right to be present and object to the justice of the same in his case. The managers shall, at the close of the meeting (which shall be kept open three hours), reconsider their apportionment and alter the same if they deem it expedient so to do. Such reconsideration shall be final, and then they shall make a copy of the apportionment under their hands, and deliver the same to the treasurer; and when the company orders money to be collected for its necessary purposes, the Treasurer shall, upon receiving their warrant in writing, proceed to collect the same from the respective owners, according to such apportionment, and for that purpose shall have all the powers of a collector of county taxes. The apportionment shall have duration for the same time as the valuation by the commissioners, and taxes may, from time to time, be collected according to it, as the needs of the company may require. Orders for collection however only to be valid when made by the company at an annual meeting. In case of private owners of a ditch or ditches not within the company's limits, but the waters collected in which can be discharged into the ditches of the company, such private owners may be allowed to connect with the works of the company on such terms as the latter may prescribe, and may thenceforth become constituent members of said company, with the rights of such members, and subject as to themselves and their lands drained by such

Return recorded evidence.

Fees of commissioners.

Recorder's fee.

Taxation.

Apportionment. Notice.

Duties of treasurer.

Private owners of ditches may connect with works of the company. Rights.

Liabilities.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Duties of
managers
respecting
changes of
ownership.

Certificate
of incorpora-
tion.

May sell ac-
cumulated
funds at a
premium.

Certain
powers with-
held.

Violation.
Penalty.

Proviso.

private ditch or ditches, to all the burdens and responsibilities of other members or owners; and the managers shall, at once, add their lands to the other lands within the company's operations, and apportion their share of the taxes among them as above provided with respect to original owners. The managers shall take account of all changes of ownership of lands within the company's limits from whatever cause, and substitute the names of the new owners in lieu of the old ones upon their original apportionment, from which they shall be transferred to the copy in the hands of the treasurer, and when transferred the new owners shall stand in the place of the old, in all respects as if they had been original owners. Such companies as are provided for in this section shall set forth the name of the hundred or hundreds in which their operations are to extend in the certificate of their incorporation.

SECTION 6. Any building or building and loan association created under this act shall, in addition to the other powers herein granted, have power to sell its accumulated funds to and among its stockholders at any premium which may be obtained for the same, and when such funds cannot be loaned to any stockholder at par they may be loaned to any person not a stockholder at any rate of interest not exceeding six per cent.

SECTION 7. It shall not be lawful for the directors of any bank or moneyed or manufacturing corporation in this State, or any corporation created under this act, to make dividends, except from the surplus or net profits arising from the business of the corporation, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the said corporation, or to reduce the said capital stock, except according to this act, without the consent of the Legislature; and, in case of any violation of the provisions of this section, the directors, under whose administration the same may happen, shall, in their individual capacities, jointly and severally, be liable at any time within the period of six years after paying any such dividends to the said corporation, and to the creditors thereof in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, withdrawn, paid out or reduced, with legal interest on the same from the time such liability accrued; *provided*, that any of the said directors who may have been absent when the same was done, or who may

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have dissented from the act or resolution by which the same was done, may respectively exonerate themselves from such liability by causing their dissent to be entered at large on the minutes of the said directors at the time the same is done, or forthwith after they shall have notice of the same, and by causing a true copy of the dissent so entered on the minutes to be published within two weeks after the same shall have been entered on said minutes, in some public newspaper published in the county where the said corporation has its principal office or place of business, and if none be published in said county, then in a newspaper printed in an adjoining county and circulating in the neighborhood of such office or place of business of said corporation; and *provided, also*, that this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

Further proviso.

SECTION 8. If any act shall hereafter be passed by the Legislature of this State which shall create any corporation, such corporation shall immediately be vested with and possessed of all powers in this act specified and set forth, subject to all provisions therein contained, unless such special act incorporating the same shall otherwise, in whole or in part, direct to the contrary.

Applicable to all corporations.

Exception

SECTION 9. Any corporation organized under any general law of the Legislature, now or hereafter to be passed, shall, in addition to the powers and restrictions thereon to which it may become subject, or of which it shall be possessed by virtue of its organization and the act authorizing the same, be additionally possessed of all the powers, and be subject to all restrictions thereon in this act contained, so far as the same are consistent with the act under which it may as aforesaid be organized.

SECTION 10. It shall be lawful for three or more persons to become incorporated under the provisions of this act for purpose of carrying on any manufacturing business, for the the business of preserving animal and vegetable food, for draining low lands, for building and loan associations, or for religious, charitable and literary purposes.

Who may become incorporated.

SECTION 11. The certificate of incorporation shall set forth:

Certificate.

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Contents as follows.

I. The corporate name;

II. The object of the incorporation and the location of the principal place of business, if it be for business purposes;

III. The amount of capital stock, the number and par value of shares, and the amount to be paid in before commencing business, which shall not be less than ten per cent. of the whole capital. This shall not apply to religious, charitable and literary corporations, unless it be desired to have a capital stock. In case of such corporations the election not to have a capital stock shall be stated in lieu of the amount thereof, and the conditions of membership shall also be stated;

IV. The name and residence of the original subscribers to the capital stock, or, if there be no stock, of the original corporators;

V. The periods at which the corporation shall commence and terminate, not exceeding twenty years;

VI. The value of real and personal estate of which the corporation may become seized and possessed.

The certificate may also contain any limitation upon the powers of the corporation, the directors, and the stockholders, which may be desired by the parties signing the same; *provided* such limitation does not attempt to exempt the corporation, the directors, or the stockholders from the performance of any duty imposed by this act or any law of this State.

Certificate signed and acknowledged.

The certificate shall be signed by the original corporators, or a majority of them, and shall be acknowledged, before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the act and deed of the signers, respectively, and that the facts therein stated are truly set forth.

Amended certificates.

Amendments and alterations of the original certificate may be made by a supplemental certificate, presented, approved, filed and recorded in the same manner in every respect as is provided in reference to the original certificate.

To whom presented.

Notice of intention to apply.

SECTION 12. The said certificate shall be presented to the associate judge of the county in which the principal place of business of the proposed corporation is located. Notice of the intention to apply for incorporation shall be published daily (if there be a daily paper published in the county) in two newspapers of the county for at least ten days imme-

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diately prior to the application. If there be no daily paper in the county, then for three successive issues. Satisfactory proof of the publication shall be made to the judge, who may, in any case, require any further publication which he may deem necessary. It shall be the duty of the judge to peruse and examine the said certificate, and if, after such perusal and examination, it still appear to the said judge that the purposes of the proposed incorporation are lawful and involve nothing detrimental to the public interest and welfare, that the certificate is in proper form, that the proposed amount of the capital stock and value of real and personal estate which the corporation may acquire are proper with respect to the purpose of the incorporation, and that a majority of the corporators named in the certificate are then *bona fide* residents of this State, it shall be his duty to indorse thereon his approval and to transmit the said certificate so indorsed to the Secretary of State to be filed in his office, and a copy of the same, furnished and certified by the said Secretary, under his hand and the seal of his office, shall be recorded in the Recorder's office of the county in which the application aforesaid is made.

Publication
Proof.
Duty of
judge.
Certificate
filed in office
of Secretary
of State.
Certified
copy record-
ed. Where.

SECTION 13. The original copy of said certificate furnished by the Secretary of State, when the same has been certified by the Recorder to have been recorded, or the record thereof, or a duly certified copy of such record, shall be evidence in any court of law or equity.

Evidence.

SECTION 14. Upon the making of the said certificate, and its approval, filing and recording as aforesaid, the persons therein named as original subscribers or corporators, their successors and assigns, shall be, from the time of commencement mentioned in said certificate and until the time limited therein for the termination thereof, a body corporate and politic in law and in fact, by the name mentioned in said certificate; *provided*, that the Legislature may at pleasure dissolve any corporation created by virtue of this act, or alter and amend its charter.

When in-
corporated.
Proviso.

SECTION 15. All companies that may be hereafter established within this State, under the provisions hereinbefore contained, or under any law of this State, and also the officers of every such company, and the stockholders therein, may exercise the powers and shall be governed by the provisions and be subject to the liabilities hereinbefore and hereinafter provided.

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Place of business out of this State.

Provided.

SECTION 16. Any company organized as aforesaid may carry on a part of its business out of this State, and have one or more offices or places of business out of this State, and may hold, purchase and convey real and personal estate out of this State as if the same were within this State; *provided*, that the certificate of the organization of such company shall state as near as conveniently can be, at the time of making said certificate, what portion of its business is to be carried on out of this State, and in what place or places it is to be so carried on; and shall also state the name of the town or city and county in which the principal part of the business of said company within this State is to be transacted, and such town, place and county within this State shall be deemed the principal place of business of said corporation within this State within the provisions of this act.

How conducted.

SECTION 17. The business of every corporation created under this act shall be managed and conducted by the directors thereof, who shall, respectively, be shareholders therein, and such other officers, agents and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer, who may or may not be the same person.

Number of directors.
How chosen

Term of office.

President.

The directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws, and shall hold their offices for one year, and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or stockholders, as shall be directed by the by-laws.

Other officers.
How chosen

Duty of Secretary.

The secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall record all proceedings of the corporation and directors, in a book to be kept for that purpose, and perform such other duties as shall be assigned to him.

Qualification of officers.

The directors shall have power to choose such other officers and agents as may be deemed necessary, and may secure the fidelity of any or all of the officers of the corporation by bond or otherwise; and they may also provide by the by-laws for the qualification of any or all of the officers before any person authorized by law to administer an oath.

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A failure to elect annually shall not dissolve a corporation. Dissolution.

Any vacancy among the directors or officers, occurring by death, resignation, removal, or otherwise, may be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the company. Vacancies. How filled.

SECTION 18. At all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine by its by-laws the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be necessarily represented at any meeting in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest, represented either in person or by proxy, shall constitute a quorum. In the absence of any other provision by the by-laws each share of stock shall be entitled to one vote. Proxy. What determined by by-laws.

The first meeting of every such company shall be called by a notice, signed by a majority of the persons named in the before mentioned certificate, and designating the time, place and purposes of the meeting; and such notice shall, at least two weeks before the time of any such meeting, be published in some newspaper of the county where the corporation may be established, or, if there be none, then in one of an adjoining county; or said first meeting may be called without such notice or publication if two days' notice be personally served on all the parties named in the certificate, or if all the parties named in the certificate waive such notice and fix a time of meeting, then no notice or publication whatever shall be required of such first meeting. Notice of first meeting. Publication.

Every such company may, at any meeting called for that purpose, increase its capital stock and the number of shares therein until it shall reach the amount named in the original certificate, and every stockholder shall have a certificate, under the seal of the company and signed by the treasurer, of the number of shares owned by said stockholder in said company. The shares of stock in every corporation in this State shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as the by-laws may provide; and whenever any transfer of shares shall be made for collateral security, and not abso- Increase of stock. Certificate. Personal property.

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lutely, the same shall be so expressed in the entry of said transfer.

Additional
certificate.
When.

In case more capital stock is necessary, an additional certificate may be filed under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be acknowledged, and if approved by the judge shall be filed and recorded in a manner heretofore provided for in this act with respect to the original certificate; *provided* that for all stock issued under such supplemental certificates, such company, its directors and stockholders, shall be entitled to all the benefits and subject to all the liabilities contained in this act.

Assessments

SECTION 19. The directors of every corporation created under this act may, from time to time, assess upon each share of stock such sum of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the eleventh section of this act; and such sums so assessed shall be paid to the treasurer at such times and by such installments as the directors shall direct, the said directors having given thirty days notice of the time and place of such payments in a newspaper of the county where such a company is established, and if there be none, then in a newspaper circulating in the county.

How
enforced.

In default of the payment of such assessments, they may be collected by suit, or, after thirty days from the time appointed for the payment thereof, the treasurer of the company may sell at public auction such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest, and all necessary incidental charges; *provided*, two-thirds of the stockholders in interest shall so direct. Notice of the time and place of such sales and of the sum due on each share shall be given by advertisements for three weeks successively before the sale, in a newspaper of the county, or, if there be none, in a newspaper circulating in the county where such company is established; and further notice shall be mailed to such delinquent stockholder, if his post-office address is known. The shares so sold shall be transferred to the purchaser, who shall be entitled to a certificate therefor.

Sale.

Proviso.
Notice.

Certificate.
Contents.

SECTION 20. The president and directors, with the secretary and treasurer of such company, after the payment of

GENERAL PROVISIONS CONCERNING CORPORATIONS.

the last installment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of capital so fixed and paid in in cash, which certificate shall be signed and sworn, or affirmed to, by the president, secretary and treasurer, and a majority of the directors, who shall, within thirty days after making the same, cause it to be recorded in the office of the recorder of deeds of the county wherein the business is conducted, or where their principal place of business is located.

Sworn to and
recorded.
When.
Where.

If any such corporation shall increase its capital stock, as before provided in this act, a similar certificate shall be made, signed, sworn or affirmed to, and recorded after the payment of the last installment of such additional stock. If any of the said officers shall neglect or refuse to perform the duties required of them in this section for thirty days after written request so to do by a creditor or stockholder of said company, they shall be jointly and severally liable for all debts of the company contracted before such certificate shall be recorded as aforesaid.

Certificate
when stock
is increased.

Liability of
officers.

SECTION 21. Whenever, in the judgment of the board of directors of any corporation organized under this act, or incorporated under any law of this State, it shall be deemed advisable and most for the benefit of such corporation that the same shall be dissolved before the expiration of the time limited in its certificate of incorporation or in its charter, it shall and may be lawful for such board of directors, within ten days after the adoption of a resolution to that effect, by a majority of the whole board, at any meeting called for that purpose, and of which meeting every director shall have received at least three days notice, to cause written or printed notices of the adoption of such resolutions to be mailed to each and every stockholder of such company residing in the United States, and also within said ten days to cause a like notice to be published in one or more newspapers of the county wherein said corporation shall have its principal place of business, or, if there be none, in a newspaper circulating in said county, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such stockholders, to be held at the office of such company, in such county, to take action upon such resolutions so adopted by the board of directors, and which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which

In case of
dissolution.

Duty of
directors.

To call
meeting of
stockholders
Notice.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Adjourned
meetings.
Notice.

How con-
sent to dis-
solution
obtained.

Certificate
of Secretary
of State.

Duty of
directors.

Proviso.

meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned, from time to time, for not less than eight days at any one time, of which adjourned meeting notice, by advertisement, in such paper, shall be given; and if, at any such meeting, two-thirds in interest of all the stockholders shall consent that such dissolution shall take place and signify such their consent in writing, then, and in such case, such companies shall, upon filing such consent, duly attested by their secretary signing the same together with a list of the names and residences of the then existing directors and officers, which list shall be duly verified by the secretary or president of said board in the office of the Secretary of State, and receiving from him a certificate that such consent has been filed, be dissolved; and the board of directors of that company shall cause such certificate to be published four weeks successively, at least once a week, in one or more of the newspapers of the county, or, if there be none, in one or more newspapers circulating in the county in which such company has been located and conducting its business; at the expiration of such time the said board shall proceed to settle up and adjust the business and affairs of such company in the same manner as though the same had been dissolved by the expiration of the time mentioned in their charter or certificate of incorporation; *provided* that the Secretary of State shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation.

The provisions contained in this act may be amended or repealed at the pleasure of the Legislature, and every company created by this act shall be bound by such amendment; but such amendment or repeal shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred.

Votes
refused.

Duty of
officers.

List of stock-
holders.

Where kept.

SECTION 22. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election; and it shall be the duty of the officer who shall have charge of the transfer books to prepare and make, at least ten days before every election, a complete list of the stockholders entitled to vote, arranged in alphabetical order. Such list shall be open to the examination of any stockholder, and shall be produced and kept at the time and

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place of election during the whole time thereof, and subject to the inspection of any stockholder who may be present. Upon the neglect or refusal of said directors to produce such list at any election they shall be ineligible to any office at such election. ^{Ineligible. When.}

The stock ledgers, or, if there be none, then the transfer books of the company, shall be the only evidence as to who are the stockholders entitled to examine such list or the books of the company, or to vote, in person or by proxy, at any election. ^{Evidence of stockholders}

SECTION 23. All elections for managers or directors of every incorporated company of this State shall be held by ballot (unless otherwise expressly provided in their respective charters), and every such election shall be held upon the day for the annual election specified in the certificate of incorporation, and between such hours as may be provided in the by-laws. ^{Elections by ballot. Time.}

Every person holding stock in any company as executor, administrator, guardian, or trustee, shall represent the share or stock in his hands at all meetings of the company, and may vote accordingly as a stockholder in person or by proxy. ^{Qualification of voters}

If any incorporated company in this State shall purchase any of the stock of such company, or take the same in payment or satisfaction of any debt due to them, such stock shall not be voted, either directly or indirectly, at any election for directors of said company. ^{When not entitled to vote.}

No person who is a candidate for the office of director in any incorporated company in this State shall act as judge, inspector, or clerk, or in any other character as the conductor of any election for directors for such company, unless there be an insufficient number of other stockholders present, and any violation of this provision shall make void the election of any such person as a director, and he shall be ineligible to the office of director of such company for twelve months next succeeding such election; *provided* that this election shall not apply to the first election of directors in any corporation. ^{Disqualification for officers of election. Proviso.}

SECTION 24. It shall be the duty of the Superior Court, upon the application of any person or persons or a body corporate, who may be aggrieved by or may complain of any election, or any proceedings, act, or matter in or touching ^{Jurisdiction of Superior Court.}

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Proviso.

the same, reasonable notice having been given to the adverse party or to those who are to be affected thereby as [to] such intended application, to proceed forthwith, and in a summary manner, to hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matter or causes of complaint, and thereupon to establish the election so complained of, or to order a new election, or make such order, and give such relief in the premises as right and justice may appear to the said Superior Court to require; *provided* that the said Superior Court may, if the case shall appear to require it, either order an issue or issues to be made up in such manner and form as the said court may direct, in order to try the respective rights of the parties who may claim the same to the office or offices, or franchise, in question, or may give leave to exhibit, or direct the Attorney General to exhibit, one or more information or informations in the nature of a *quo warranto* in the premises.

In case of failure to elect directors at a certain time, new election may be held.

Who entitled to vote.

Election, when ordered by Court.

Contempt.

When by-laws regulating elections valid.

SECTION 25. If at any time hereafter the election for directors of any bank or other incorporated company of this State shall not be duly held on the day designated and appointed by the act incorporating such bank or other incorporated company, or the certificate of incorporation, or by the by-laws of any such corporation, it shall be the duty of the president and directors of such bank, or other incorporated company, to notify and cause an election for directors to be held thereafter as soon as conveniently may be; and in all cases no share or shares shall be voted upon except by such person or persons as may have appeared on the stock ledger or transfer book of said company to have had the right to vote thereon on the day when, by the act of incorporation of such company, or by said by-laws, the said election ought to have been held.

The Associate Judge of the Superior Court resident in the county where the proper place of business of any corporation is located, may summarily order such election to be held upon the application of any stockholder, and may punish the directors as for a contempt of court for any neglect or failure to obey the order of such judge in reference to such election.

SECTION 26. No by-laws of the directors or managers of any incorporated company, regulating the election of directors or officers of such company, shall be valid unless the same shall have been made thirty days previous to any election of

GENERAL PROVISIONS CONCERNING CORPORATIONS.

such company and subject to the inspection of any stockholder; and in all cases where the right of voting upon any share or shares of stock of any incorporated company of this State shall be questioned, it shall be the duty of the inspectors of the election to require the transfer book and stock ledger of said company, if both be kept, otherwise whichever is kept, as evidence of stock held in the said company, and all such shares as may appear standing thereon in the name of any person or persons shall and may be voted on by such person or persons, directly by themselves or by proxy, subject to the provisions of the act of incorporation.

Duty of inspectors.

SECTION 27. In all cases where it is not otherwise provided by law, the meeting of the stockholders of all corporations of this State shall be held at the principal office or place of business of the company in this State; the directors may hold their meetings, and have an office, and keep the books of the company (except the stock and transfer books,) outside of this State if the by-laws of the company so provide; *provided, however*, that said company shall always maintain a principal office or place of business in this State, and have an agent of the company in charge thereof, wherein shall be kept the stock and transfer books of the company for the inspection of all who are authorized to see the same, and for the transfer of the stock; *and provided further*, that the Chancellor, or the Superior Court, or any judge thereof, may, upon proper cause shewn, summarily order any or all of the books of said company to be forthwith brought within this State and kept therein at such place as may be designated, for such time as such Chancellor, court, or judge may deem proper; and upon failure of any company to comply with such order its charter may be declared forfeited by the Chancellor or said court, and it shall therefrom cease to be a corporation, and all the directors and officers of said company shall be liable to be punished as for contempt of court for disobedience.

Meetings. Where held.

Proviso.

Further proviso.

Forfeiture.

SECTION 28. Whenever, for want of sufficient by-laws or officers duly authorized, or from other legal impediment, a legal meeting of any kind of the stockholders of any corporation cannot be otherwise called, three or more stockholders thereof may call a meeting of the company by giving ten days notice in a newspaper circulating in the county wherein the business is conducted, or where their principal place of business or office in this State is located; and such meeting

Meetings other than legal. How called.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Duty of
secretary.

so called shall be a legal meeting of the company; and if there be no officers of the company present whose duty it is to preside at meetings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

What constitutes payment of stock.

SECTION 29. Nothing but money shall be considered as payment of any part of the capital stock of any company organized under this act, except as hereinafter provided for the purchase of property; and no loan of money shall be made to a stockholder or officer therein; and if any such loan shall be made to a stockholder or officer of the company, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

Liability of
of officer.

What directors may purchase.

SECTION 30. The directors of any company incorporated under this act may purchase mines, manufactories, or other property necessary for their business, and issue stock to amount of the value thereof in payment therefor; and the stock so issued shall be declared and taken to be full paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payments under any of the provisions of this act.

Officers liable for issuing false certificates or notices.

SECTION 31. If any certificate made, or any public notice given by the officers of any company in pursuance of the provisions of this act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

In case of dissolution.

SECTION 32. Upon the dissolution in any manner of any corporation already created, or which may hereafter be created by or under any law of this State, the president and directors, or the managers of the affairs of the said corporation at the time of its dissolution, by whatever name they may be known in law, shall be trustees of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the moneys and other property among the stockholders, after paying the debts due and owing by such corporation at the time of its dissolution, as far as such moneys and property shall enable them.

Trustees' powers.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

SECTION 33. The persons constituted trustees as aforesaid shall have authority to sue for and recover the aforesaid debts and property by the name of the trustees of such corporation, describing it by its corporated name, and shall [be] sueable by the same name, or in their own names or individual capacities, for the debts owing by such corporation at the time of its dissolution, and shall be jointly and severally responsible for such debts to the amount of the moneys and property of such corporation at the time of its dissolution, and which shall come to their hands or possession. Liabilities.

SECTION 34. All such corporations, whether they expire by their own limitation or shall be annulled by the Legislature, or otherwise dissolved, shall nevertheless be continued bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established. Corporate existence continued for certain objects.

SECTION 35. When any corporation shall be dissolved in any manner whatever, the Chancellor, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors trustees as aforesaid, or appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purpose aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation if in being that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purpose aforesaid. Jurisdiction of the Chancellor.
Duties.

SECTION 36. The Chancellor shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders, injunctions and decrees therein as justice and equity shall require.

SECTION 37. The said trustees or receivers shall pay all debts due from the corporation if the funds in their hands shall be sufficient therefor, and if not, they shall distribute Debts. How adjusted.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

Distribution **SECTION 38.** In case of the insolvency of any corporation, the laborers in the employ thereof shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding one month's wages respectively, which shall be paid prior to any other debt or debts of said company; and the word "laborers" shall be construed to include all persons doing labor or service of whatever character for, or as workmen or employees in the regular employ of such corporations.

Lien for wages.

"Laborers." What to include.

Title. **SECTION 39.** On the final dissolution of any corporation created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Civil action not to abate. **SECTION 40.** In any action now pending or to be commenced in any court of record of this State against any corporation now or heretofore existing, or that may be created hereafter, if said corporation become dissolved by the expiration of its charter or otherwise before final judgment obtained therein, the said action shall not abate by reason thereof, but the dissolution of said corporation being suggested and the names of the trustees of said corporation being entered upon the record, the said action shall proceed to final judgment against the said trustees by the name of the corporation.

When action on the case will lie. **SECTION 41.** When any of the officers or directors of any company, or stockholders thereof, shall be liable by the provisions of this act to pay the debts of such company, or any part thereof, any person to whom they shall be so liable may have an action on the case against any one or more of the said officers, directors, or stockholders; and the declaration in such action shall state the claim against the company and the ground on which the plaintiff expects to charge the defendants personally.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

SECTION 42. Any officer, director, or stockholder of a company who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid in an action against the company, for money paid for their use, in which action the property of the company only shall be liable to be taken. When company liable.

SECTION 43. Any corporation now existing under any law of this State, either general or special, may come under and be subject to the provisions and liabilities of this act in the same manner as if created under the same, if such company make a certificate under the hands of the president and directors of the company that said company desires to come under the said provisions and liabilities, which certificate shall be acknowledged, recorded and filed in the same manner as the certificate required by this act; *provided* that nothing in this section contained shall be held to affect any transaction, liabilities or debts of any such company heretofore done, accrued or contracted. When provisions of this act applicable to existing corporations.

SECTION 44. It shall be lawful for any corporation heretofore or hereafter created under or by virtue of this act, or of any law of this State, at any time before the expiration of its charter, or the period named in its certificate of organization, to file in the office of the Secretary of State a certificate under its common seal, attested by the signature of its presiding officer, declaring its desire that the period of its existence as such corporation shall be extended for any time therein mentioned, not exceeding twenty years. How time of charter may be extended.

A duly authenticated copy of said certificate shall thereupon be recorded in like manner as the original certificate under this act, and upon the making and filing and recording of said certificate the period of existence of such corporation shall be extended as declared in such certificate as fully as if the said period had been named in the original charter or certificate of organization of such corporation.

And nothing herein contained shall be construed to interfere with the right of the State to abolish or repeal, alter or amend the charter of any such corporation, nor shall this act be construed to contain any irrevocable or other contract with the State contained in any charter beyond the time originally fixed for its expiration.

SECTION 45. The provisions of this act relating to stockholders shall include members whenever applicable.

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Secretary of
State to col-
lect State
tax.

Exemption.

Acts of cer-
tain religious
incorpora-
tions legal.

Future re-
ligious incor-
porations
subject to
certain pro-
visions.

SECTION 46. That the Secretary of State is hereby authorized and directed to demand, for the use of the State, on certifying any charter of incorporation or renewal thereof, authorized by this act, the sum of twenty dollars when the capital stock of such corporation shall exceed fifty thousand dollars, and ten dollars when the capital stock shall not exceed fifty thousand dollars; *provided* that in the case of corporations for religious, charitable, or literary purposes, the said tax shall not be charged or collected. The fees of the Secretary of State and of the recorder shall be as heretofore.

SECTION 47. All religious incorporations now or heretofore existing under and by virtue of Chapter thirty-nine of the Revised Statutes of this State, or any supplement or supplements thereto, or under and by virtue of Chapter 419 of Vol. 13 of Laws of Delaware, be and the same are hereby validated and made legal incorporations, and all acts done in pursuance of said acts are hereby made valid. And all religious incorporations hereafter to be created may be created by and shall be subject in every respect to the provisions of said Chapter thirty-nine of the Revised Statutes and any supplement or supplements thereto; and for this purpose the said chapter and any and all supplements thereto are hereby revived and re-enacted with the same force and effect as though the same were set out in full in this act. Any religious incorporations created under this act shall be subject to the provisions of Section 10 of said Chapter 39 of the Revised Code.

SECTION 48. That Chapter 119 of Volume 15, Laws of Delaware be and the same is hereby repealed, provided that such repeal shall in no way affect any company incorporated under the provisions of said Chapter 119.

SECTION 49. This act shall be a public act, and shall be published as such.

Passed at Dover, March 14, 1883.

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CHAPTER 148.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT for the Preservation of Peace and Good Order.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That corporations owning or using any railroad, steamboat, canal, rolling mill, shipyard, car factory, or manufacturing establishment of any kind, within this State, may, jointly or severally, from time to time, apply, by petition, to the Governor to commission such person or persons as the said corporation or corporations may designate, to act as special constables for the protection of the property of said corporation or corporations, and for the preservation of peace and good order on their respective premises, railroad trains, or steamboats, and also for the protection of persons traveling thereon.

Corporations may petition the Governor for appointment of special constables.

Object.

SECTION 2. The Governor, upon such application, may, if he thinks it proper so to do, appoint such persons, or so many of them as he may deem proper, to be such special constables, and shall issue to every person so appointed a commission for the term of two years, unless sooner revoked; and the person thereby appointed shall, before entering upon the duties of his office, take and subscribe, before a justice of the peace, an oath or affirmation that he will perform his duties with fidelity, and cause his commission, with such affidavit endorsed thereon, to be duly recorded in the Recorder's office of the county wherein he resides. Every such special constable so commissioned and qualified shall possess and exercise, within this State, all the authority and powers now conferred on policemen in the City of Wilmington.

Appointment.

Term of office.

Special constable sworn

Recorded. Where.

Powers.

SECTION 3. The Governor may at any time revoke any such commission at his pleasure, and, upon the written application of the corporation or corporations upon whose petition such special constable shall have been appointed, shall revoke such commission; such revocation to be effected by an order in duplicate, signed by the Governor, one whereof shall be mailed to the special constable and the other filed in the Recorder's office where the commission is recorded and noted on the record of said commission.

Governor may revoke commission.

Mode.

OF INSURANCE COMPANIES.

Compensation. By whom paid.

SECTION 4. That the compensation of every such special constable shall be wholly paid by the corporation or corporations upon whose petition he was appointed, and neither the State nor any county thereof shall be responsible for any part of such compensation.

SECTION 5. That this act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, February 27, 1883.

CHAPTER 149.

OF INSURANCE COMPANIES.

AN ACT to re-enact the Act of Incorporation of "The Kent County Mutual Insurance Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. That the act entitled "An act to incorporate the Kent County Mutual Insurance Company," passed at Dover, January 15th, 1849, and the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed at Dover, February 17th, 1865, and the act entitled "An act to amend the charter of the Kent County Mutual Insurance Company," passed at Dover, March 12th, 1873, as the same are now in force and operation, be and the same are hereby re-enacted, extended and continued in force, as hereby altered and amended, for the period of twenty years from and after the passage of this act, and the said corporation thereby created, by the name of "The Kent County Mutual Insurance Company," shall have existence for the said period with the powers and capacities conferred by the said several acts as now in force and as hereby amended.

Section 3 of Chapter 517, Volume 12, amended.

SECTION 2. That the third section of the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed February 17, 1865, be and the same is

OF INSURANCE COMPANIES.

hereby stricken out and the following inserted in lieu thereof:
 "The affairs of said company shall be conducted by a board ^{Directors.}
 of nine directors, three of whom shall be elected annually, ^{Term of}
 at the annual meeting of the members of said corporation on ^{office.}
 the third Wednesday of January in each year, to serve for the
 period of three years and until others are chosen in their
 stead, except that at the annual meeting next succeeding the
 passage of this act there shall be nine directors elected, three
 of whom shall be elected for one year, three for two years,
 and three for three years, and until said annual meeting the
 directors now in office shall be the directors of said company.
 The annual meetings of the company shall be held between ^{Annual}
 the hours of ten o'clock A. M., and one o'clock P. M., at the ^{meetings.}
 office of said company, in the town of Dover, and prior notice ^{When held.}
 of each of such meetings shall be given, by advertisement in ^{Notice.}
 one or more newspapers in this State, for at least two weeks.
 The directors may choose a president, vice-president, secre- ^{Officers}
 tary, treasurer, surveyors, appraisors, and other necessary ^{chosen.}
 agents; may fill vacancies in their own body by appointment, ^{Vacancies.}
 to continue until the next annual meeting, when any such ^{How filled.}
 vacancy shall be filled by the members of the company by
 election for the residue of the unexpired term. The vice-
 president shall have such powers as may be conferred, and ^{Powers of}
 shall discharge such duties as may be enjoined by the by-laws ^{vice-presi-}
 of the corporation. A majority of the directors shall form a ^{dent.}
 quorum, but a smaller number may make insurance. Before
 discharging any of their duties the directors shall be sworn ^{Directors}
 or affirmed that they will discharge said duties with fidelity, ^{sworn.}
 and such oath or affirmation shall be certified by the officer
 administering it and be recorded on the books of the corpora-
 tion. The president and vice-president shall be chosen from
 the directors, and the ceasing to be a director shall vacate the
 office. None of the other officers or agents provided for by
 the charter shall be required to be directors."

Passed at Dover, January 29, 1883.

OF INSURANCE COMPANIES.

CHAPTER 150.

OF INSURANCE COMPANIES.

A Further Supplement to the act entitled "An act to incorporate 'The Delaware Fire Insurance Company,'" passed at Dover, January 21, 1826.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 3 of
Chapter 321,
Volume 6,
amended.

SECTION 1. That Section 3 of said original act be amended by striking out of line 3 of said section, as printed in Volume 6, Laws of the State of Delaware, the word "nine," and inserting in lieu thereof the words "not less than nine and not more than thirteen."

Capital
stock
increased.

How divided
Rights of
holders of
stock.

SECTION 2. *And be it further enacted,* That the capital stock of said corporation may be increased to a sum not exceeding five hundred thousand dollars (\$500,000), as the stockholders shall, from time to time, determine, the same to be divided into shares of fifty dollars each. Each holder of shares of such increased capital stock shall be entitled to and enjoy the same rights and privileges under the same conditions as any and every other stockholder of said corporation. Such shares of increased capital stock shall be subject to the same restrictions, limitations and forfeitures as the shares of stock hereinbefore issued by said corporation.

Passed at Dover, March 6, 1883.

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CHAPTER 151.

OF INSURANCE COMPANIES.

A Further Supplement to an act to incorporate the New Castle County Mutual Insurance Company, passed at Dover, February 6th, 1849, and renewed by an act passed January 25th, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. There shall be a vice-president of said company, who shall be elected annually by the board of directors from among their own number, and who shall, in case of vacancy in the office of president, act as such until such vacancy be filled, and during the absence, sickness, or disability of the president, his powers and duties shall devolve upon the vice-president. Election of vice-president. Powers.

SECTION 2. Any vacancy in the office of vice-president may be filled by the directors, who may also elect a director to fill that office until the next annual meeting. Vacancy. How filled.

Passed at Dover, March 23, 1883.

CHAPTER 152.

OF INSURANCE COMPANIES.

AN ACT to incorporate the Wilmington Trust Safe Deposit and Insurance Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That William Canby, George S. Capelle, William T. Porter, Caleb Hill Brinton, Henry C. Robinson, Thomas S. Bellah and Walter Cummins, together with all and every other person and persons who may hereafter become stockholders in the company hereby incorporated, their Corporators.

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successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name of the
 Name. Wilmington Trust Safe Deposit and Insurance Company, and
 Powers. by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatever in this State and elsewhere in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever.

Purpose of act. SECTION 2. That the object and purpose of this act is to organize an incorporated company, and to authorize and empower it as such, and said company is hereby authorized
 Powers of the company and empowered to receive and hold for its own use, benefit and behoof, and also on deposit and in trust and as security, moneys or other property and estate, real, personal and mixed, of whatsoever kind and nature, and the same to invest and reinvest, purchase, collect, adjust, settle, assign, sell and dispose of in any manner without proceeding in law or equity and upon such terms as may be agreed upon between the company and the parties contracting with it, to accumulate the interest or income thereof at such rates and in such manner as may be agreed on, or to allow and pay such interest or income therefor and thereon as may be stipulated and agreed on between the parties, not exceeding the legal rate
 What may be received on deposit. of interest; also to receive upon deposit for safe keeping, upon such terms as may be prescribed in the by-laws, or as shall be agreed on, money, jewelry, plate, deeds, bonds, and any and all personal property of every sort and kind, including certificates of stock, securities and other evidences of the same, or of title thereto, as well from executors, administrators, guardians, public officers, receivers, assignees, trustees, and all other fiduciaries, who are hereby expressly authorized to make such deposits or bailments, as from all other persons and corporations; and said company is hereby authorized to
 Further powers conferred. provide and make bargains and arrangements for the rent, or hire, or use of safes, vaults, and other receptacles for such property; also to accept and execute trusts of any and every description, to become assignees in bankruptcy, to collect the income, make investments, and to assume the agency or management of any property which may be committed or transferred to it with its consent, by any person or persons whatever, or by any corporation or public officer, or by any court of record, whether of this or any other State, or of the United States; to accept and execute the office and appoint-

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ment of receiver, assignee, guardian, executor, or administrator, or other trustee of any kind and nature whatever, whether such office or appointment is conferred or made by any person or persons, or by any register of wills, or by any orphans' or other court, either of the United States or of any of them, or of this State; and that in all cases where application shall be made to any court or register of wills for the appointment of any receiver, assignee, guardian, executor, or administrator, or other trustee, it shall and may be lawful for such court or register to appoint the Wilmington Trust Safe Deposit and Insurance Company, with its consent, such receiver, assignee, guardian, executor, or administrator, or trustee, and the accounts of said company, as such receiver, assignee, guardian, executor, or administrator, or trustee, shall be regularly settled and adjusted before the proper tribunal, and upon such settlement and adjustment all proper, legal, usual and customary charges, costs and expenses shall be allowed to said company for its care and management of the trusts and estates aforesaid; and the said company, as such receiver, assignee, guardian, executor, administrator, or trustee, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State; also to act as agents for the purpose of registering, issuing or countersigning the certificates of stocks, bonds, or other obligations of any corporation, association, municipality, state, or public authority, and to receive and manage any sinking fund therefor on such terms as may be agreed upon between the contracting parties, and in like manner and on similar conditions may act as treasurer of any incorporation or municipality; also to insure owners of real estate, mortgagees, and others interested in real estate, from loss by reason of defective titles, liens and incumbrances, to make insurance for the fidelity of persons holding places of responsibility and trust, to enter security and become surety for any person or persons for the faithful performance of any trust, office, duty, contract, or agreement. And it is further authorized to become sole surety in any and all cases where by law one or more sureties are required for the faithful performance of any trust or office, or for the faithful performance or payment of any recognition, suit, judgment, order, or decree entered or to be entered of any court of record; and it shall and may be lawful for any court of the United States, or of this State, or elsewhere, to approve said company as sole surety in all such cases, and in every such case the capital stock of said company shall be taken and considered as sufficient security.

May accept appointment of certain offices of trust.

Accounts. How adjusted.

Expenses allowed.

Subject to orders, etc., of courts.

May act as agents for certain purposes.

May receive and manage funds.

May insure owners of real estate against loss from defect in title, etc.

Power to insure fidelity of officers.

Power to become surety in certain cases

Capital stock sufficient security.

OF INSURANCE COMPANIES.

therefor; but in such case the officers and affairs of the said company shall be subject to examination, and its property and effects liable as aforesaid. And it shall be lawful for said company to stipulate and provide for indemnity and compensation from the person or persons for whom it shall become responsible, and to enforce any contract, pledge, or other security made or given for that purpose, as may be equitable and just.

May provide
for indem-
nity.

May acquire
real and per-
sonal prop-
erty, and in-
vest or dis-
pose of the
same.

Common
seal.
By-laws.

Powers and
rights.

SECTION 3. That the said corporation is authorized to purchase, take, lease, hold, and enjoy all such estates, real, personal and mixed, as may be obtained by the investment of its capital stock and all other moneys and funds that may come into its possession in the course of its dealing and business, and the same to invest, sell, grant, convey, loan, mortgage, and otherwise dispose of at its pleasure; to have and to use a common seal, and the same to alter and renew, to make and ordain such by-laws, not inconsistent with the constitution or laws of the United States, or of this State, as may be proper and necessary for the management and regulation of the company and its business, which, when made and adopted, shall have the same force and effect as if herein specifically set forth, and the same to alter and amend at pleasure, and generally shall and may have and exercise all the powers, rights, privileges and franchises incident to a corporation and necessary to accomplish the purposes for which said corporation is hereby created.

Paid up cap-
ital stock
ample se-
curity.
When.

Liability.

Deposit of
moneys, etc.

Affairs may
be examined
under order
of court.
Report.

SECTION 4. That whenever the said company shall be appointed trustee, or depository, receiver, assignee, guardian, executor, or administrator, it shall not be required to give any security, but the capital stock of said company, as paid in, and not being less than fifty per centum thereof, shall be taken and considered as the only security required by law for the faithful performance of its duties aforesaid, and shall, together with its property and effects, be absolutely liable in any case of default whatever. Any court having jurisdiction of the matter, or which shall appoint the said company a receiver, assignee, guardian, executor, administrator, or other trustee, or shall order the deposit of moneys or valuables of any kind with said company, if it deem it necessary, may, from time to time, appoint a suitable person to investigate the affairs and management of said company, who shall report to said court the manner in which its investments are made, and the security afforded to those by or for whom its engage-

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ments are held; and the expenses of such investigation shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

Expenses of examination how borne. Officers may be examined under oath.

SECTION 5. That said corporation, unless directed by deed or will to the contrary, or required so to do for payment of debts, expenses, or pecuniary legacies, shall not be obliged to convert into cash or change any investments in stocks, loans, or other securities, which may come into its possession whilst acting in any of the aforesaid official or fiduciary capacities, if, in its discretion, such conversion would be disadvantageous.

When certain securities are to be converted into cash.

SECTION 6. Upon any sum not less than one hundred dollars which shall be collected or received by said company in its capacity of trustee, assignee, guardian, or receiver, under the order of any court, a reasonable interest shall be allowed, of not less than four per cent. per annum, which interest shall continue to accrue until the moneys so received shall be duly expended and paid over or distributed; *provided* that said company be authorized, whenever it so desires, to deposit the same in any bank, trust or safety deposit company, or savings institution; in which case it shall only be required to allow such an amount of interest as it shall actually receive thereon.

When reasonable interest allowed.

Proviso.

SECTION 7. When the annual income of an infant, of whose estate the said company shall be the guardian, shall exceed the sum allowed or which may be sufficient for the education, maintenance and support of said infant, such surplus income shall be accumulated by the said company for the benefit of such infant by adding interest annually on the whole as a new principal, the interest so to be allowed and added upon such accumulation in no case to be less than four per centum per annum.

Surplus income of estates of infants.

Accumulation for their benefit. Rate of interest.

SECTION 8. That the capital stock of said corporation shall consist of one thousand shares of stock of the par value of one hundred dollars each, being one hundred thousand dollars, with the privilege to increase the same, by a vote of the stockholders at an annual or special meeting, to one million dollars; and the corporators, or a majority of them, named in the first section of this act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares

Capital stock.

Privilege of increasing the same.

Subscription books. Time and place of opening.

OF INSURANCE COMPANIES.

shall have been subscribed and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least fifty thousand dollars shall have been paid in on the capital stock), the shareholders may elect a board of directors, not less than seven in number, nor more than thirteen, as may be prescribed by the by-laws, to serve until the ensuing annual election, or until their successors shall be duly elected and qualified. One of the directors shall be chosen president, either by the directors or stockholders, as shall be prescribed by the by-laws. The directors so elected of said company, when it shall have been organized, and their successors and assigns, may and they are hereby authorized and empowered to have and to exercise in the name and in behalf of the company all the rights and privileges incident to a corporation and which are hereby given, subject to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due, or which may become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of the increase upon payment of par value for the same.

Election. Board of directors. Number. Term.
President. How chosen
Duties and powers of directors.
Liabilities.
Stock increased. Stockholders' share.

SECTION 9. The principal office of said company shall be in the City of Wilmington, but branch offices and agencies may be established elsewhere. The directors shall be elected annually by the stockholders on the second Tuesday of January, unless otherwise ordered by the by-laws. All elections shall be by ballot, and at such elections, and at all meetings of stockholders, every stockholder shall be entitled to one vote for every share of stock held by him, subject to such restrictions as may be provided for by the by-laws; but no person shall be eligible as director who is not a stockholder to the amount of ten shares, and all the directors shall be citizens of the United States and of the State of Delaware, and shall reside therein. The directors may select from their own number such of the officers of the company as they deem necessary and expedient, and may provide for their proper compensation or salary.

Principal office. Branch offices. Election of directors. When.
Eligibility.
Compensation of officers.
Notice of election.
Judge and inspectors.

SECTION 10. Ten days notice shall be given, by publication in two newspapers published in the City of Wilmington, of the time and place of the annual elections, which elections shall be conducted by three stockholders, one of whom shall act as judge and the others as inspectors.

OF DITCHES.

SECTION 11. The directors shall have power to declare ^{Dividends.} such dividends of profits of the company as they may deem proper; *provided* that no dividend shall be declared when the ^{Proviso.} capital stock would be impaired thereby.

SECTION 12. This act shall be deemed and taken to be a ^{This act published at expense of company.} public act, and shall be published with the other public acts passed at this session of the Legislature; *provided* that the Wilmington Trust Safe Deposit and Insurance Company shall pay the expense of publishing the same; and the power to amend, alter, or revoke the same is hereby reserved to the Legislature.

Passed at Dover, April 18, 1883.

CHAPTER 153.

OF DITCHES.

AN ACT to revive and re-enact an act entitled "An act to incorporate the Tomahawk Branch Ditch Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That the act entitled "An act to incorporate 'The Tomahawk Branch Ditch Company,'" passed at Dover, March 15th, A. D. 1881, be and the same is hereby revived, re-enacted and continued in full force and effect. ^{Chapter 461, Volume 16, re-enacted with an amendment.}

SECTION 2. *And be it further enacted,* That the said act be amended by striking out the word "April" wherever it occurs in said act, and inserting in lieu thereof the word ^{Amended by inserting July for April.} "July."

Passed at Dover, February 6, 1883.

OF DITCHES.

CHAPTER 154.

OF DITCHES.

An Additional Supplement to an act entitled "An act to enable the owners and possessors of the Marsh Meadows, on the north side of the Christiana River, called Middleburgh Marsh, to keep the Banks, Dams and Sluices in repair and raise a Fund to defray the expenses thereof," passed in the year 1769.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of both branches concurring therein),* That from and after the recording of this act (as hereinafter provided for,) at all stated or special meetings of the owners of the Marsh Meadows mentioned in the title hereof, upon all questions that may come before such meetings requiring to be decided by ballot, and in all elections for officers, the vote shall be as follows, to wit: The owner of not less than one and under three acres shall be entitled to one vote; for every two acres above one and under ten the owner shall be entitled to one additional vote; for every three acres above ten and under twenty an additional vote, and for every five acres above twenty one additional vote. Any owner may vote by proxy in the same ratio; *provided* the appointment of such proxy be made under the hand of the owner, attested by two competent witnesses.

Additional
supplement
to act passed
in the year
1769.

Voters.

Proxy.
Proviso.

Managers
may procure
certified
copy.

Recorded
where.

Evidence.

What
repealed.

SECTION 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the managers for the time being, who shall have been chosen by virtue of the act and supplement to which this act is an additional supplement, to procure a certified copy of this act to be recorded in the office for recording of deeds at Wilmington, in and for the county of New Castle, and such recording thereof shall be deemed and taken to be and shall be evidence of the acceptance of this act by the owners of said Marsh Meadows.

SECTION 3. *And be it further enacted by the authority aforesaid,* That so much of the act and supplement to which this is an additional supplement, as is hereby altered or supplied, shall be and the same is hereby repealed; this repeal to take effect from and after the recording of the said act as aforesaid.

OF DITCHES.

SECTION 4. *And be it further enacted*, That the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, February 13, 1883.

CHAPTER 155.

OF DITCHES.

AN ACT to renew and to amend the act entitled "An act to incorporate the Agricultural Canal Company, of Baltimore Hundred, Sussex County, Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring)*, That James H. Law, Jacob A. Wilgus, Zadock J. Evans, John Wilgus, John W. Daisey, Charles C. Rickards, Isaac D. Rickards, Peter W. Bennett, Stephen Rickards, Smyth W. Floyd, Mary D. M'Cabe, Charles W. Daisey, Joshua T. Evans, Thomas Dukes, Maria L. Tire, Lucinda A. Daisey, Catharine P. Bennett, Mack C. Long, E. H. Derickson, L. H. Derickson, Lemuel Lynch, James Anderson, and such other persons as are now or may hereafter become the taxables and owners of the low grounds drained by the said Agricultural Canal in Baltimore hundred, Sussex county, as the same has been heretofore laid out and surveyed and confirmed under the then existing laws of the State of Delaware, are declared to be a corporation and body politic by the name of the Agricultural Canal Company, of Baltimore hundred, and by that name may have succession and successions, and may have a common seal, sue and be sued, implead and be impleaded in all courts of record in the state and elsewhere, and shall have the right and the power and legal authority which shall be necessary to carry into effect the said corporation, but the said company shall not exercise banking powers.

Chapter 505,
Volume 12,
renewed and
amended.

Incorporation
Name.

Powers.

Banking
powers.

SECTION 2. *And be it further enacted*, That the said taxables and owners so as hereinbefore described, in order to effect the objects of said corporation, shall meet on the first Saturday of May next, in the school house in District No. 119, Sussex county, and on the first Saturday of May annu-

First meet-
ing in May.

OF DITCHES.

Annual meeting in May to elect managers and treasurer.

Every dollar of tax paid entitles taxable to one vote.
Notice.

ally thereafter, at two o'clock, P. M., and elect from among the taxables aforesaid two managers and one treasurer to serve for one year and until their successors shall be duly chosen and be qualified; that at such election each voter shall be entitled to one vote for each and every dollar of tax paid by him, her, or them, for the last assessment made before the election at which such persons shall offer to vote. Notice of the time and place of meeting shall be posted for ten days in five of the most public places in the neighborhood of said canal, signed by the managers and treasurer, or one or more of them, or in the case of the death or disqualification, or the refusal or neglect of the said managers and treasurer to advertise the said annual meeting, then any two of said taxables are authorized to advertise the same, as directed herein.

Commissioners chosen.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose, by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex county aforesaid, having no interest in any of the lands drained or benefited by said canal, as commissioners to go on the aforesaid canal, and if their judgment shall deem it prudent and necessary for the drainage of any of the low lands of the taxables or corporators, they shall widen, deepen and otherwise enlarge any old branch or branches of said canal, and to make a valuation of the lands drained or benefited by said canal; and the said commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by said canal, and to ascertain all of the said owners of the said lands drained or benefited by the said canal, and the quantity of such lands held by each owner, or by the joint or common owners, if any be held undivided, and to appraise all the said lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by the said canal, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisements; and if, at the expiration of said period of ten years, the said taxables or corporators shall, by ballot and by plurality of votes, at a stated annual meeting of said taxables or

May open old branches
Valuation of lands drained.

Appraisement.

OF DITCHES.

corporators, determine to make a new appraisalment of said land drained or benefited by said canal as a basis for all their subsequent assessment of taxes, they shall choose, by ballot and a plurality of votes, the other like commissioners for the purpose of making such appraisements, who shall have all the powers vested in and perform all the duties herein required of those first chosen under this act, and whose appraisalment, when duly certified to a meeting of the said taxables or corporators, shall continue for ten years thereafter as a basis for all their subsequent taxations under this act; but if the said taxables or corporators shall otherwise determine at said meeting, the appraisalment first made under this act shall continue as a basis of all the then subsequent taxations under this act for the period of ten years thereafter.

SECTION 4. *And be it further enacted*, That the said commissioners, or a majority of them, shall, within thirty days from the day of their appointment, call a special meeting of the said taxables or corporators, by giving five days public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate, made under their hands, or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner, or by joint owners (if any be undivided), and the appraisalment of the said several quantities or parcels of said lands by said commissioners to be named as aforesaid; and the said commissioners are hereby further authorized and required, after viewing the said Agricultural Canal, to estimate the probable expense of cleansing and repairing the said canal; and the said commissioners, or a majority of them, shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex county, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may, at any annual, adjourned, or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies; and each commissioner shall be sworn or affirmed, by some judge of the state, or justice of the peace in and for Sussex county, to discharge the said duties faithfully and impartially according to the best of their skill and judgment; and every commissioner shall, for each and every day's service in and about

New appraisalment.

Commissioners.
Powers.

Special meeting.

Notice.

Certificate.
Return.

Expenses.

Duty of commissioners.

Vacancies.
How filled.Commissioners
sworn.

OF DITCHES.

Compensation. the business of said company under this act; be entitled to receive of said company the sum of one dollar and fifty cents.

May levy taxes. SECTION 5. *And be it further enacted*, That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required (after the appraisalment and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid,) to levy and assess the amount of money resolved to be raised for cleansing, opening and cutting the said Agricultural Canal, at the annual meeting, on the basis of the assessment last made and returned by the commissioners; and the same shall be levied by the said managers within the said month of May of each and every year after the election of said managers; that the said managers shall give ten days notice to the several taxables (or those in possession of the said low grounds where the owners do not reside in the county,) of the time when they will proceed with the work of cleansing, opening or cutting said canal; that said taxables and owners shall then have the right to contribute in work, under the direction of the managers, to the amount of tax levied on them; that if the said taxables, after being thus notified, shall neglect or refuse to perform the work or labor, then it shall be the duty of the treasurer, upon notice given him by the said managers, or either of them, to proceed, within twenty days thereafter, to collect the said taxes, and for that purpose he shall have the same powers and authority to collect as are given to a collector of a hundred for the collection of county taxes; and the said managers may employ other persons to do and perform such work, for which they shall give orders drawn by them on the treasurer; and that said managers and treasurer shall settle their accounts annually with the said taxables at their annual meeting, and may receive such compensation as the taxables in the preceding annual meeting may have allowed and fixed to be paid therefor.

When.

Notice.

Taxes paid by labor.

Power to collect taxes

Settlement of accounts. Compensation to officers.

Damages for obstruction. SECTION 6. *And, be it further enacted*, That if any person or persons shall obstruct or hinder the passage of the water through said Agricultural Canal, such person or persons shall become liable in damages to any taxable or owner damaged thereby, and to the said managers, for the use of the said company, the amount paid, or contracted to be paid, for the

OF DITCHES.

removal thereof, to be recovered in either case before any justice of the peace within Sussex county, in the same manner as debts of one hundred dollars are recoverable by law; and that it may be lawful for any taxable of said company, or the managers thereof, to enter upon any lands through which the said Agricultural Canal passes for the purpose of removing such obstructions, of whatever kind, that hinders the free passage of water through the same. ^{How recovered.} ^{May enter upon other lands.} ^{Purpose.}

SECTION 7. *And be it further enacted,* That all acts and parts of acts not consistent with this act are hereby repealed.

SECTION 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, March 1, 1883.

CHAPTER 156.

OF DITCHES.

AN ACT to reincorporate the owners and possessors of the Marsh or Low Grounds, commonly called and known by the name of Cow Marsh Ditch, situated in North Murderkill and South Murderkill Hundreds in Kent County, under the title of "The Cow Marsh Ditch Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the owners and possessors of a certain marsh or low ground, situated, lying and being in North Murderkill and South Murderkill hundreds in Kent county, State of Delaware, commonly called and known by the name of Cow Marsh Ditch, shall compose a company to be called "The Cow Marsh Ditch Company," and by that name shall sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere. Said company shall hold its annual meeting on the first Monday in April in each and every year, at the village of Willow Grove, or at such ^{Owners of low ground in North and South Murderkill hundreds to compose a company.} ^{Meetings. When and where held.}

OF DITCHES.

other place as the company shall determine by a resolution to be adopted at any annual meeting of said company. The meeting shall be opened as near one o'clock in the afternoon of the day as practicable, and shall continue open at least two hours. At said annual meeting said company shall choose, by ballot and by a plurality of votes cast, one treasurer, one secretary, four managers, and two auditors, who shall hold their offices until the next annual meeting, or until their successors are duly chosen and qualified, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said marsh or low ground; and such and every annual meeting of said company may be adjourned from time to time by a vote of those present, or by any member if, by any cause, there should not be more than one member present. The secretary shall give notice of all annual meetings by advertisements, posted in at least five of the most public places within the territorial limits of the company at least ten days before the day of meeting. Occasional or special meetings may be called at any time by the secretary upon the written request of the managers, or a majority of them, to said secretary, upon ten days public notice by advertisements put up in five of the most public places within the territorial limits of said company and such other places as the managers for the time being, or a majority of them, shall deem advisable. If the secretary, treasurer, managers, or auditors, shall not, any or all of them, have been elected at the annual meeting, they may be elected at any adjourned, occasional, or special meeting, and until their successors are duly chosen and qualified. If any person elected treasurer, secretary, manager, or auditor, at any meeting, shall, after the adjournment of the meeting at which he was elected, die, resign, or refuse to act, or shall fail or neglect to give bond, as hereinafter provided, the managers, by writing, signed by them, or a majority of them, shall appoint another person in his place, to serve until the next annual meeting of the company and until his successor shall be duly chosen and qualified; and such writing, appointing such officer, shall be delivered to the secretary of said company, to be recorded by him in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If, in determining any matter, the managers shall by reason of vacancy or vacancies in the offices of such managers, or as is provided by this section shall be four or two in number, and they shall be equally divided, the secretary shall determine the matter,

Time and manner of choosing treasurer, secretary, four managers and two auditors. Powers.

Adjournment of annual meeting

Occasional meetings. When and where held.

Notices.

Filling of places and vacancies.

Evidence of appointment

OF DITCHES.

and sign such writing, choosing either the one or the other proposed by the managers; and such writing shall be delivered to the secretary, to be by him recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If any treasurer, secretary, manager, or auditor, shall remove from the limits of the company and dispose of his interest in said marsh or low ground, their places shall become vacant, and shall be filled in the same manner as is provided for filling vacancies hereinbefore in this section. Whensoever it may be deemed advisable to choose more than four managers, said company may do so at its annual meeting. At all meetings of said company every owner of any marsh or low ground ratable and assessed in said company may vote, if present; and any owner of any marsh or low ground not residing in Kent county may vote, either in person or by proxy; and any female owner of any marsh or low ground ratable and assessed in said company, no difference where she may reside, may vote, either in person or by proxy. Said proxies must be authorized in writing, under the hand and seal, attested at least by two witnesses. Every person owning any marsh or low ground ratable and assessed in said company shall be entitled to one vote for every one hundred dollars, or fractional part thereof, to which his or her property may stand assessed at the time he or she offers to vote.

Who entitled to vote.

Proxy.

Non-residents in the territory of the company

Qualification of voters

SECTION 2. That the ditches and drains as are now laid out, cut, made and adopted by "The Cow Marsh Ditch Company," shall compose the ditches and drains of the company hereby incorporated, and such other ditches as may be hereafter laid out, cut and made under the provisions of this act or any amendment thereto.

What ditches already made shall be embraced in the company.

SECTION 3. That at any annual meeting of the company the voters present and by proxy may determine upon a new assessment or valuation by ballot, and a majority of the votes cast shall be necessary to authorize such new assessment or valuation; and any such new appraisement or valuation, when made, shall be the basis upon which any and every tax shall be levied and collected until another appraisement or valuation is determined upon by a vote of the company, as hereinbefore provided for in this section. But extensions may be made by laying out new ditches, and additional owners of any marsh or low ground may be added to the company, whose lands may be appraised and valued in the

New valuation. How determined upon.

Supplemental appraisement.

OF DITCHES.

same manner as the lands of persons now belonging to the company, which shall be classed as supplemental appraisement or valuation, and shall form a part of the basis upon which taxes shall be levied and collected the same as if it were an original appraisement or valuation, and shall continue until a new appraisement or valuation shall be determined upon by the company.

Amount of
tax. How
determined.

SECTION 4. That at any annual meeting of the company the voters present and by proxy shall determine, by ballot, what amount of tax, if any, shall be levied and collected the ensuing year for the purpose of cutting and making any new ditch, and for deepening and widening, or for straightening any old ditch, or for any other purpose, which the company may deem necessary for the draining and improvement of the said marsh and low grounds; and a majority of all the votes cast shall be necessary to authorize the levying and collecting of said tax.

New ap-
praisements.

SECTION 5. That at any meeting of said company the members thereof, by a majority of the votes present, may determine upon a new appraisement or assessment, and after they have determined upon such new appraisement or valuation they shall then, at the same meeting, elect, by ballot and by a plurality of the votes cast, three commissioners, who shall be freeholders of Kent county, and who shall, all alike, be either non-members or all three members of said company, to make such new appraisement or valuation. They shall

Alphabetical
lists of ratables
and
taxes.

make two alphabetical lists of the persons ratable and assessed in said company, setting forth the number of acres assessed, the value or rate of each acre, and the aggregate value of each person's assessment; and after they shall have completed said appraisement or valuation, they shall fix a day of appeal by giving at least ten days notice by at least five advertisements, signed by them, or a majority of them, setting forth in said notice the day, hour and place at which they will attend to hear appeals. Said notices shall be posted in at least five of the most public places within the territorial limits of said company. All appeals shall be in writing, signed by the party appealing, or his duly authorized agent, setting forth the matters of which he complains. They shall hear and determine all appeals (and a majority shall form a quorum for this purpose), and may add to [said lists] any marsh or low ground that has been omitted; may increase, alter, or change any appraisement or valuation, and may deduct from the

Appeals.
Notice.

How posted.

Appeals.
How made.

Powers of
commis-
sioners.

OF DITCHES.

amount of appraisement or valuation, or may strike from said list any appraisement or valuation erroneously placed thereon, and their decision shall be final. The lists, when completed, shall be signed by them, or a majority of them, one copy of which shall be filed with the secretary, to be by him recorded in the books of the company, and the other shall be delivered to the Prothonotary in and for Kent county, State of Delaware, to be by said Prothonotary filed for safe keeping; and that any extension made by the laying out of any new ditch, and taking into said company any additional owners of any such marsh or low grounds, the company shall proceed in the same manner to make the additional appraisement or valuation and file the same as directed for an original appraisement or valuation as supplemental, and the same shall remain until a new appraisement or valuation is determined upon by the company; and a copy of any such appraisement or valuation, recorded in the books of the company, certified under the hand of the secretary, attested by at least two of the commissioners, shall be evidence in any court of law or equity and before any justice of the peace in this State.

Lists. When completed, where filed.

Additional appraisement.

Evidence.

SECTION 6. That if at any annual meeting the company shall determine that any sum shall be raised, levied and collected, the managers shall, under their hands, or the hands of a majority of them, issue a warrant to the treasurer, in duplicate, authorizing said treasurer to collect from the persons ratable and assessed their proportionate part of the amount so authorized to be raised, levied and collected; and the treasurer shall deliver to the secretary of the company the duplicate warrant, to be by him recorded in the books of the company; and upon the receipt of such duplicate the secretary shall make an alphabetical list of all persons ratable and assessed according to the appraisement or valuation, duly returned and recorded in the books of the company, setting forth the number of acres, the valuation per acre, and the gross amount with which each person stands assessed, and shall deliver the same within ten days after the receipt of said warrant to the treasurer; and upon the receipt of said warrant from the managers and the alphabetical list from the secretary, the treasurer shall, after the space of ten days from the receipt thereof, proceed to collect from the persons ratable and assessed their proportionate part or share of the amount authorized by the meeting to be raised, levied and collected; and shall have all the powers by the laws of this state given to collectors of county taxes, and may proceed in all respects

Managers authorized to levy and collect taxes

Warrant in duplicate.

Assessments

Duplicate warrant recorded in books of company. Duty of secretary. Alphabetical list of rates and taxes.

When delivered, and to whom.

Taxes. When collectable.

OF DITCHES.

in the same manner as collectors of county taxes. The personal property of the tenants living on or occupying, or having in charge any lands ratable and assessed in said company, shall be liable for the taxes assessed and levied upon the lands of which he or she is tenant or occupant, and all costs incurred in collecting the same, and such tenant or occupant may deduct the sum or amount so paid by him or her, or collected out of his or her property by process of law, from any rent, whether the rent be of money or share of the grain or other crops out of which the tenant or occupant pays rent, and any such payment or collection shall be in full discharge of the rent to the extent of the payment or amount collected. The treasurer shall not be required to look to any person living without the territorial limits of said company for the payment of any tax authorized to be collected under this act, but may, if he deems advisable so to do, collect from any owner of lands ratable and assessed in said company residing in Kent county. All taxes authorized to be levied and collected under this act shall be a lien upon the real estate of which the marsh or low grounds upon which the assessment is made and taxes levied form a part for five years from the day of the annual meeting which authorized and determined the raising, levying and collecting of said tax, and shall be in addition to the power to sell personal property of the owners, tenants or occupants hereinbefore provided for. The treasurer shall have the same power to sell the real estate as is now given to collectors of county taxes. All taxes which shall remain unpaid after the expiration of one year from the annual meeting at which the tax was authorized to be levied, the treasurer shall [add] at the rate of six per cent. per annum thereon until the same are paid, and shall account for said additional per cent. so collected the same as other taxes collected. The treasurer shall make a detailed statement from whom such per cent. has been received, and the amount of the same, and shall present such statement, with his accounts and vouchers, to the auditor, as hereinafter provided.

Personal property of tenant liable to taxation. When.

Allowance to tenant.

Lien. Limitation.

Treasurer. Powers.

When treasurer may add six per cent.

Detailed statement. Contents. Presented to the auditor.

Duties of secretary.

Custodian of records.

SECTION 7. The secretary shall keep correct proceedings of all meetings held by the company, which shall be signed by the chairman and attested by the secretary, and by the secretary recorded in the books of the company. He shall record all papers which by this act are required to be recorded in the books of the company. He shall have the custody of and keep safely the bonds of the treasurer and managers,

OF DITCHES.

hereinafter provided to be given by them to the company, and shall record the same in the books of the company. In case of loss or destruction of any original bond, the production of the book containing the record of such bond shall be evidence of the contents of such bond so lost or destroyed, and may be sued upon as if it were the original bond. The secretary shall receive for his services such compensation as shall be fixed by any meeting of the company. It shall be his duty to attend all meetings of the company, shall preserve all books and papers belonging to the company entrusted to his care and keeping, and when his term of office shall expire, or if, from any cause, he shall be removed from office, he shall deliver, within ten days thereafter, to his successor in office all books and papers in his charge belonging to the company. If the secretary shall neglect or refuse to perform the duties required of him under this act he shall forfeit the compensation allowed to him. If the managers, or a majority of them, shall at any time deem it for the best interest of the company, they may remove the secretary and appoint another in his place, to serve until the next annual meeting and until his successor shall be chosen.

Evidence.

Secretary's compensation.

Neglect to perform the duties of office. Forfeiture.

Removal.

SECTION 8. The managers shall have full power to employ the necessary help and to fix the compensation of the same (unless the compensation shall be fixed by a vote of the company), and shall go upon any lands adjacent to or along any ditch now cut or hereafter to be cut; and may deepen, widen, or straighten any ditch now cut or hereafter to be cut, and shall have the right and power to deepen, widen or straighten any ditch now cut or hereafter to be cut; may remove and fence temporarily, or put it permanently in another place, and to throw, haul, or place on any land adjacent to any ditch of said company any dirt, sand, earth, gravel, logs, or rubbish of any kind that may be necessary in the judgment of the managers of any section for the time being to be removed out of any ditches in deepening, widening and straightening the same, and may cut any tree, sapling, or bramble that, in his judgment, will be likely to fall into said ditch, or in any way to obstruct the same, and place anything so cut by him on any lands adjacent thereto. The managers shall, within thirty days after their election, meet at the place where the meeting at which they were elected was held, and divide the main ditches and prongs into four sections, and shall number them one, two, three and four, and shall designate the manager to take charge of each section; and the

Powers and rights of managers.

Meeting of managers. Object.

Division of ditches into sections.

OF DITCHES.

Statement.
Where
recorded.

said managers shall apportion the amount of money to be expended on each section, and shall file, under their hands, or the hands of a majority of them, with the secretary, to be recorded by him in the books of the company, a statement of the divisions into sections, setting forth what parts of the main ditches and prongs compose each section, the amount apportioned to each section, and the name of the manager to take charge of each section.

Managers
upon written
application
shall view
the marsh or
low ground.

The managers, upon application in writing, signed by any three persons who will be benefited, asking the laying out of a new ditch or ditches, or the acceptance into the company of any ditch or ditches now already laid out and cut by private individuals, designating the locality where such ditch

Laying out
new ditches.

or ditches are wanted, or are already located, shall go upon and view the marsh or low ground designated in said application, and shall, if they think necessary, take with them

May employ
surveyor.

a skillful surveyor (who shall be sworn or affirmed, before making a survey, to perform the duties required of him faithfully, impartially and with fidelity), and if, in the judgment

New ditches
authorized
to be cut.

of the managers, or a majority of them, it is deemed necessary for the draining and improving such marsh or low ground that a new ditch or ditches shall be laid out, cut and made, or a ditch then already cut and laid out shall be accepted into the company, they shall proceed to lay out such ditch or ditches, or accept an old one or ones, as the case may be, and shall determine the place where such ditch or ditches shall empty into any ditch already cut, and the general courses, location and terminus of the same; and shall determine the width and depth, the amount to be expended in cutting and making the same; and shall determine by

Expenses.
How paid.

whom the expense of cutting and making such ditch or ditches shall be borne and the amount each shall pay for cutting and making the same. The managers may accept any

Managers to
make ap-
praisement
for taxation.

old ditch or ditches, without making any survey, if they, or a majority of them, so determine, into the company. The

managers shall make an appraisement or valuation, for the basis of taxation, when the owners of such marsh or low ground shall be admitted into the company.

Duplicate
report. To
whom
delivered.

They shall make their report in duplicate, signed by them, or a majority of them, with a plot of the ditch or ditches so laid out by them attached, and shall deliver one to the secretary of the company, to be by him recorded in the books of the company, and shall deliver the other to the Prothonotary in and for Kent county, to be by said Prothonotary filed for

OF DITCHES.

safe keeping. The managers shall assess any damages that any person shall sustain by reason of the laying out, cutting and making any such ditch or ditches, and such damages shall form a part of the cost of such ditch or ditches, as well as any other expense incurred in and about the laying out, cutting and making the same. The assessment or apportionment made by the managers to and upon those who the said managers shall determine shall bear the expense of laying out, cutting and making any such ditch or ditches, shall be collected as other taxes authorized to be levied and collected by the company, and shall form a lien in the same manner as other taxes of the company, and shall be used only in laying out, cutting and making such ditch or ditches. When such ditch or ditches are laid out, cut and made, the owner of any such marsh or low grounds, ratable and assessed by reason of any such extension, shall form a part of the company upon the same terms and with the same advantages and privileges of any other owner or possessor of any marsh or low grounds in said company.

Damages.

Assessment to be collected as other taxes.

Lien.

Owners of new ditches to form part of company.

SECTION 9. The treasurer, before entering upon the duties of his office, shall give bond with surety, to be approved by the managers, or a majority of them, in a penal sum to be fixed by the managers, said bond to be in the following form, viz:

Treasurer's bond.

Know all men by these presents, that we, _____, of Kent county, State of Delaware, are held and firmly bound to "The Cow Marsh Ditch Company" in the sum of _____ dollars, lawful money of the United States of America, to be paid to the said "The Cow Marsh Ditch Company," its certain attorney, successors, or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly and by these presents, sealed with our seals, and dated this _____ day of _____ in the year of our Lord one thousand eight hundred and _____. The conditions of the above obligation is such that if the above bound _____, being treasurer of "The Cow Marsh Ditch Company," shall faithfully and diligently collect all the rates and taxes which he shall, according to the alphabetical lists and warrants to be issued to him as such treasurer, be required to collect, and all taxes whatsoever which shall be committed to him for collection, and shall pay the amount of all such rates and taxes, excepting only so far as allowances shall be made to him by vote of a meeting of "The Cow Marsh Ditch Company" for errors, delinquents,

Form of bond.

Conditions.

OF DITCHES.

commissions, or otherwise, to the officers or persons authorized to receive the same, in the manner and within the time prescribed by law or legally appointed for the payment of the same; and if the said ——— shall perform the duties of his office, as treasurer as aforesaid, in all things with fidelity, then the above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

_____, [L. S.]
 _____, [L. S.]

Signed, sealed and delivered in the presence of _____.

Treasurer to
collect taxes.

To render
accounts to
auditors.

Books to be
open to
managers.

Removal
and appoint-
ment of
treasurer.

Duties at
end of term.

It shall be the duty of the treasurer to collect all taxes and moneys due the said company and pay out of the same to the managers of each section that part of the taxes or moneys which has been apportioned by the managers to each section within ten days after he has collected the same and take receipt thereof. He shall render his accounts and present his vouchers for settlement to the auditors at such time as shall be appointed by said auditors for the settlement and adjustment of his accounts. The managers, by a majority of them, may at any time demand of the treasurer a statement of his accounts, and his books shall at all times be open to them for inspection. If the treasurer shall neglect or refuse to collect the taxes or moneys due to the company, or shall neglect or refuse to perform any of the duties required of him as such treasurer under this act, the managers, or a majority of them, may remove such treasurer and appoint another in his place; and upon such removal and appointment, the treasurer so removed shall, within ten days thereafter, deliver to his successor all books, papers, lists, and other property in his possession belonging to the company; and pay over all moneys in his hands collected by him and not before that time paid over to the managers. Upon any treasurer going out of office at the expiration of the term for which he was elected or appointed, he shall, within ten days thereafter, deliver to his

OF DITCHES.

successor all books, papers, lists, and other property in his possession belonging to the company, and pay over all moneys in his hands collected by him. If any treasurer shall neglect or refuse to pay over any balance in his hands to his successor, it shall be the duty of the treasurer for the time being to ascertain the balance in the hands of his predecessor, and may proceed to collect the amount so ascertained to be due by execution process out of any property, real or personal, belonging to either principal or sureties. For any other violation of the conditions of said bond it shall be the duty of the treasurer for the time being to bring suit in a court of competent jurisdiction against either principal or sureties, or both, or all of them, to recover any damages sustained by the company. If any treasurer shall neglect or refuse, or fail to give bond for the space of thirty days after his election or appointment, the managers may appoint another person in his place. The compensation to the treasurer shall be fixed by a vote at a meeting of the company, but shall not exceed eight per cent. upon the amount collected by him.

Failure.

Treasurer to collect by execution process.

Failure to give bond.

Compensation.

SECTION 10. The managers, each of them, shall, before entering upon the duties of their office, give bond to the company, with surety to be approved by the treasurer, in the penal sum of at least double the amount apportioned to his section, the amount to be fixed by the treasurer, which said bond shall be in the following form, viz:

Managers to give bond.

Know all men by these presents, that we, _____, of Kent county, State of Delaware, are held and firmly bound to "The Cow Marsh Ditch Company" in the sum of _____, lawful money of the United States of America, to be paid to the said "The Cow Marsh Ditch Company," or its certain attorney, successors, or assigns, to which payment, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this _____ day of _____, in the year of our Lord one thousand eight hundred and _____. The condition of the above obligation is such that if the above bound _____, being a manager of "The Cow Marsh Ditch Company," shall faithfully disburse and pay out all moneys that shall come into his hands, and shall, when he goes out of office as such manager, pay over to the treasurer of the company all moneys in his hands as such manager; and if the said _____ shall perform the duties of his office, as manager as aforesaid, in all things with fidelity, then the

Form.

Conditions.

OF DITCHES.

above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors, or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors, or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

_____, [L. S.]
 _____, [L. S.]

Signed, sealed and delivered in the presence of _____.

Duties of
managers in
relation to
cutting
ditches, etc.

To give and
take receipts

Exhibit his
books to
managers.

Removal of
managers.
When.

To have a
copy of
books and
papers.

It shall be the duty of each manager to employ the necessary help for the cutting and making any new ditch, and for deepening, widening, straightening and improving any ditch already cut within the section for which he was designated, and to receive from the treasurer any money apportioned to such section and to disburse the same for any work, labor, material, or necessary expense incurred by him upon this section. He shall give to the treasurer receipts for all moneys paid to him, and shall take receipts for all moneys disbursed by him. He shall keep a book in which he shall enter the amount received and the amount disbursed, and the names of the parties to whom disbursed, and shall present his accounts and vouchers for settlement before the auditors as hereinafter provided. He shall at all times, when requested by the other managers, or a majority of them, exhibit his books, showing the amount received and disbursed by him. If at any time any manager shall neglect or refuse to perform the duties required of him under this act, the other managers may remove any such manager and appoint another in his place; and the manager so removed shall pay over to the treasurer all moneys in his hands, and shall deliver to his successor in office, within ten days after his successor shall have been appointed, all books, papers, and other property belonging to the company in his possession, but he shall be entitled to a copy of any such books, papers, or account so delivered in which he is personally interested; which copy shall be compared by his successor, and shall be certified under his hand that the said copy is true and correct. The expense of said copy to be borne by the manager removed. The compensation of the

OF DITCHES.

managers shall be fixed by a vote at a meeting of the company, and shall be per diem. The company may, at any meeting, by a vote determine the lowest number of laborers which each manager is expected to employ on any day, and if any manager shall work a less number of laborers on any day than the number fixed by the meeting, he shall not receive full pay, but it shall be reduced in proportion to the number worked by him; but nothing herein shall be construed to prevent any manager from working a greater number than the number fixed by the meeting.

Compensation.

Number of laborers.

SECTION II. It shall be the duty of the auditors to audit the accounts of the treasurer and managers of the company. They shall carefully examine the accounts of the treasurer, and shall report to the annual meeting of the company the amount of tax levied, the number of cents on the hundred dollars necessary to raise the tax, the amount collected by him, and the amount remaining uncollected, and also the interest collected upon all the taxes remaining unpaid after the expiration of one year from the annual meeting at which the tax was directed to be levied, and all errors, if there be any, and any other matter or thing in connection with the accounts of the treasurer which in their judgment is for the interest of the company. They shall audit the accounts of the managers, and shall carefully examine the books and vouchers of each manager, and shall endorse on each voucher approved by them the day of the month and year with the word "allowed," and if any voucher shall not be approved by them they shall endorse thereon the day of the month and year and the word "disallowed," which said endorsement shall be signed by the said auditors. They shall report to the annual meeting of the company the amount received by each manager, the amount paid out by each, the balance remaining in the hands of each, the amount disallowed, if any, and for what cause, and any other matter or thing in connection with the accounts of the managers which in their judgment is for the interest of the company. The said report shall be in writing and signed by said auditors. The meeting may adopt said report or not, at their pleasure, and may direct a new audit to be made. Any voucher disallowed by said auditors may be allowed by a vote of the meeting of the company. If the report should be adopted by the meeting, it shall be delivered to the secretary, by him to be recorded in the books of the company. It shall be the duty of the treasurer and managers to notify said auditors, not less than fifteen

Duty of auditors.

To audit accounts and examine books of managers.

Endorsement of vouchers.

Report of auditors.

Meeting to adopt or reject reports.

Duty of managers and treasurer to notify auditors.

OF DITCHES.

Time of
auditing.Compensa-
tion of
auditors.

nor more than thirty days before the annual meeting, that they are ready to have their accounts audited; that upon such notice said auditors shall fix the time and place they will meet the treasurer and managers to audit their accounts. The time fixed by them shall be not less than five days before the day of the annual meeting. The compensation to said auditors shall be fixed by a vote at a meeting of the company, but shall not exceed the sum of two dollars each per day for the time employed by them in the examination and auditing of the said accounts and the preparation of their report.

Treasurer to
collect taxesUncollected
list to be
delivered to
successor.Not to apply
to treasurer's
removal
from office.

SECTION 12. That any treasurer taking any duplicate or tax list for collection shall collect the entire list, errors and delinquencies excepted, and pay over the same to the managers, or to his successor in office, and until he has so collected, paid over and closed his accounts, he and his sureties shall not be absolved from liability to the company unless by a vote of the company. The uncollected list of taxes shall be directed to be delivered to his successor in office, in which case his successor shall be charged with the uncollected taxes so turned over; then to the extent of the said uncollected tax list so turned over, and no more, shall the said treasurer and his sureties be absolved from liability to said company. Nothing herein contained shall apply to any treasurer removed by the managers, nor in case of death of any treasurer whose place has been filled by the managers.

Obstruction
of ditches.

Penalty.

Suit. Where
instituted,
and by
whom.

SECTION 13. That if any person shall cut any tree, sapling, or bramble so that the same shall fall into any ditch belonging to said company and shall permit the same to remain in said ditch for the space of ten days, he shall pay to the company the sum of ten dollars; and if any person shall willfully fill up or obstruct the ditches or drains of said company, or shall willfully obstruct or impede the course of the water from running down the same, every person so obstructing said ditches or impeding the course of the water thereof, shall pay to the company the sum of fifty dollars, to be recovered before any justice of the peace of Kent county by a suit brought in the name of the company. It shall be the duty of the managers of any section where any obstruction mentioned in this section is found to report to the treasurer, in writing, by whom such obstruction was made, and it shall be the duty of the treasurer to bring suit against the person or persons so obstructing, and upon the recovery of judgment to proceed to collect the same by execution process, unless

OF DITCHES.

said judgment and costs are paid within thirty days after the rendition of the same.

SECTION 14. No person shall be allowed to drive any permanent stake at any fence, bridge or road in the ditches of said company; and if any person shall drive any such stake at any fence, bridge or road in said ditches it shall be considered an obstruction, and he shall pay to the company the same amount as is prescribed in Section 13, and the proceeding for the recovery of the same shall be in the same manner as directed in said Section 13.

No stakes to be driven in ditches.
Penalty, How enforced.

SECTION 15. All suits brought by the company shall be brought in the name of "The Cow Marsh Ditch Company," and shall be brought by the treasurer in all cases except the cases where the treasurer is a party defendant, in which case the suit shall be brought by the secretary. On any bond or obligation now due or owing to "The Cow Marsh Ditch Company" suit shall be brought in the name and style in which such bond or obligation is taken.

Suits to be brought. How.

SECTION 16. This company shall not be required to construct or repair any bridge over any of its ditches, nor any road leading thereto, either public or private; and any bridge erected across any of the company's ditches, either of a public or private character, shall be built in such a manner, and of such a width and height as to not obstruct the water flowing through the ditches of said company.

Company: not required to construct bridges.

SECTION 17. The treasurer, managers and auditors, before entering upon the duties of their office respectively, shall be sworn or affirmed before the secretary, (who for this purpose is authorized to administer oaths,) to perform the duties of their office respectively, faithfully and according to the best of their judgment.

Officers sworn or affirmed.

SECTION 18. That all taxes due and uncollected, and all moneys due and owing to "The Cow Marsh Ditch Company" shall belong and be paid to the company incorporated by this act, and the proper officers of this company may bring suit in the name of this company for all debts due "The Cow Marsh Ditch Company," (except in case of bonds and obligations provided for in Section 15,) and that all laws now in force for the levying and collecting of any tax heretofore assessed and levied and yet uncollected shall remain in full force for the purpose of collecting any such uncollected taxes

Taxes due old company to be due the new company.

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Meeting of
the company
to cancel
completed
bonds.

Transfer of
debts.

Bonds
recorded.
Record
thereof evi-
dence.

Execution to
be issued
against de-
faulters.

Penalty in
case of an
overcharge
of managers

and the payment over of the same, with the same powers heretofore contained in any act pertaining to the collection of taxes, and that any bond or obligation heretofore given by any treasurer, officer or other person to said "The Cow Marsh Ditch Company," shall remain in full force and effect until all matters to which they pertain shall have been settled and closed. The company, by a vote at any annual meeting by a majority of all the votes cast, may declare the condition of any bond or obligation now held by "The Cow Marsh Ditch Company," or any bond or obligation hereafter to be given to "The Cow Marsh Ditch Company" fully performed and completed, and may direct the cancellation of any such bond or obligation, and the delivery of the same to the obligor or obligors, their heirs, executors or administrators. All debts due and owing by "The Cow Marsh Ditch Company" shall be and remain the debts of this company, and shall be paid out of any funds belonging to this company.

SECTION 19. In all cases where bonds are required to be given under this act, the bond so given shall be recorded in the books of the company, and any bond so recorded shall be evidence in case of the loss or destruction of the original, and may be sued upon in the same manner as the original bond. In case of any defalcation on any of said bonds for any money so defaulted, the officer whose duty is hereinafter made to bring suit on any of said bonds shall ascertain the cash balance due, and shall issue execution against the person so defaulting and his sureties or any or either of them, and shall collect the same out of any property they may have. For any other violation of the conditions of said bonds, it shall be the duty of the proper officer to bring suit in any court of competent jurisdiction in this State or elsewhere, and any judgment recorded shall be collected as like judgments in other cases; but nothing herein contained shall prevent the bringing suit on any of said bonds for the money defalcation and any other violation of the condition of said bonds at the same time.

SECTION 20. And all acts or parts of acts heretofore passed in relation to "The Cow Marsh Ditch Company," except the reservation made in Section 18 of this act, are hereby repealed and made null and void.

SECTION 21. That if any manager shall willfully and fraudulently take a receipt for or charge in his accounts a greater amount than he shall pay to any person for work and

OF DITCHES.

labor, or for material furnished, he shall pay to the company the sum of fifty dollars for every such receipt or charge, to be recovered as debts of like amount are recovered before a justice of the peace of Kent county, and it shall be the duty of the treasurer to bring such suit.

SECTION 22. This act shall be deemed and taken to be a public act, and shall be published in the laws of the State as such.

Passed at Dover, March 8, 1883.

CHAPTER 157.

OF DITCHES.

AN ACT to amend an act incorporating the "Black Swamp Ditch Company," passed at Dover, February 10th, 1841, re-enacted and amended March 13, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That the act entitled "An act to incorporate the 'Black Swamp Ditch Company,'" passed at Dover, February 10th, 1841, re-enacted and amended March 13, 1877, be and the same is hereby amended as follows, to wit: Amend Section 1 by adding thereto, at the close of said section and after the word "seal," the following: "And every person so assessed shall be entitled to one vote for every one hundred dollars, or fractional part thereof, for which he shall stand assessed."

Chapter 305,
Volume 9.
Chapter 357,
Volume 15.

Passed at Dover, February 28, 1883.

OF DITCHES.

CHAPTER 158.

OF DITCHES.

A Further Supplement to the act entitled An act to incorporate the Gravelly Run Marsh Company, passed at Dover, February 5, 1866, and amended and re-enacted by the act entitled An act to amend and re-enact the act entitled An act to incorporate the Gravelly Run Marsh Company, passed at Dover, February 5, 1866, passed at Dover, January 24, 1867.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Commis-
sioners.

Duties.

Appraise-
ment.

Requisites
in appraise-
ment.

SECTION 1. That the Gravelly Run Marsh Company shall, at its next annual meeting, to be held on the second Saturday of May, in the present year, elect by ballot and by plurality of votes, three freeholders, residents of Kent county, not being members of said company, to act as commissioners, whose duty it shall be to go upon and view the marsh and low grounds which are or will be benefited by the ditches of said company already cut or opened, and ascertain all the owners thereof and who will be benefited by such ditches or any of them, and the quantity held by each owner or by joint owners (if any be held undivided), and shall appraise the said marsh and low grounds which in their opinion, or a majority of them, are or will be benefited by said ditch or ditches, having regard to the present value thereof and the amount of benefit, in their opinion, to be received by each owner or by joint owners (if any be held undivided), in such manner as will, in their opinion, do equal justice to all concerned, which said appraisement shall be the valuation upon which all sums of money to be raised and taxes to be assessed and levied by said company or for the improvement of said marsh and low lands shall be raised, assessed and levied; until a new appraisement shall be made as hereinafter directed. In making such appraisement it shall be the duty of the said commissioners to appraise all the marsh and low grounds which, in their opinion, are or will be benefited by the ditches or drains of said company, whether included in any previous valuation and appraisement or not, and whether such marsh and low grounds are or are not liable to appraisement and taxation in any other company, and the fact that any of said marsh and low grounds are subject to appraise-

OF DITCHES.

ment and taxation in any other company shall not exempt them from appraisement and taxation in the said the Gravelly Run Marsh Company, *provided* that in the opinion of said commissioners they are or will be benefited by any of the ditches or drains of the said the Gravelly Run Marsh Company, now cut or opened or hereafter to be cut and opened; and the said commissioners are hereby required and directed to view and examine the ditch or ditches of said company now cut or opened, and if, in their opinion, the same or any of them, or any part of any of them, ought to be extended, widened or deepened, or in any other respect altered or changed, or the course of any of them altered or changed, to direct such extension, widening or deepening or other alteration or change whatsoever in such manner and to such extent as they may deem requisite for the more perfect draining of said marsh and low grounds, and they shall also estimate the cost thereof; and further, if the said commissioners shall deem it necessary, in order to effect equal justice between or among all the owners and possessors of said marsh and low grounds, that any new lateral ditch or ditches emptying into the company's main ditch should be cut and opened at the common expense of the company, they are hereby authorized to lay out such lateral ditch or ditches, and direct the same to be cut and opened of such width and depth as shall, in their judgment, be necessary, and from such place of beginning to such termination on the main ditch as they may determine on, and they shall also estimate the cost of cutting and opening such lateral ditch or ditches, and the said new or lateral ditch or ditches so laid out and directed to be cut and opened (if any) shall be cut, opened and completed at the common expense of the company, and shall become and be a part of the improvements of the said the Gravelly Run Marsh Company, and as such shall be kept open and in repair, and the said commissioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of the said marsh and low grounds, and the quantity held by each owner and by joint owners (if any be held undivided), and after the appraisement of the said several quantities or parcels, so by the said commissioners to be made as aforesaid, containing also a description of all the ditches which they shall direct to be extended, widened or deepened or otherwise altered or changed, or the course of any of them altered or changed, and also of any lateral ditch or ditches, (if any,) by them directed to be cut and opened,

Proviso.

Extensions.

Estimate of costs.

Cutting of lateral ditches.

Cost.

Paid by company.

Certificates.

Contents.

OF DITCHES.

showing the extent and character of such extension, widening or deepening or other alterations or changes which they shall direct to be made; and if the said commissioners shall be of opinion that the owner or owners of any land lying upon or adjacent to the said ditches or any of them, will sustain damage by the alteration or change or opening of such ditches or any of them, or by the alteration or changing of the course of any of them, more than equivalent to the benefit received by such owner or owners, they shall make a valuation of such excess or damage and enter such valuation with the name of the persons or persons to whom they shall award damage, and the amount thereof, upon the said certificate, which damages, if any be awarded, shall be paid by the company before the alteration or change or opening of said ditches, or the alteration or change of the course of any of them; and further, the said commissioners shall also estimate and set forth in their said certificates the probable costs of making the improvements they shall direct to be made, and the work they shall direct to be done in the premises, and also their fees and the expenses by them incurred in the performance of the duties enjoined upon them by this act, and the said commissioners shall return one of said certificates into the office of the Prothonotary in and for Kent county, to be by him filed and kept in said office, and shall deliver the other of said certificates to the secretary of said company, to be by him kept with the other papers of said company, which said certificates shall be final and conclusive, and the appraisement and valuation therein contained shall be the true valuation of said marsh and low grounds, according to which all sums of money raised by said company shall be apportioned until a new appraisement shall be made, as hereinafter directed. Each of said commissioners, before entering upon the duties enjoined by this act, shall be sworn or affirmed to perform the duties required of them by this act faithfully and impartially, according to the best of his skill and judgment, which oath or affirmation may be administered to said commissioners by any judge, justice of the peace or notary public of this State, or either of said commissioners may administer the oath or affirmation to the other or others. All the commissioners shall view the said marsh and low grounds, but the acts of any two of them agreeing shall be as valid to all intents and purposes as the acts of the whole of them. If any of the said commissioners to be elected as aforesaid shall die, resign, remove from Kent county, or refuse, neglect, or become incompetent to act before all the

Damages to adjacent owners.

Paid by company.

Duty of commissioners as to costs.

Certificates. Where kept.

Valuation to continue till new appraisement.

Commissioners sworn.

Oath. By whom administered.

Vacancies. How filled.

OF DITCHES.

duties of said commissioners shall have been completed, or if the said company shall fail to elect such commissioners at its next annual meeting, the said company may elect a commissioner or commissioners to fill such vacancy or vacancies, or to supply such omission or failure to elect at any annual, adjourned or occasional meeting, and so from time to time until all the duties of said commissioners under this act shall have been completed. The fees to each of said commissioners shall be two dollars for each and every day by them occupied in the discharge of the duties enjoined upon them by this act, together with additional, fair and reasonable compensation for making the said two certificates. Fees of commissioners.

SECTION 2. That for the purpose of raising the necessary means to carry into effect the improvements directed to be made by the said commissioners and to pay the expense incurred under this act, including expense of procuring the same, and also to pay any just and lawful debts then owing by said company, the managers of the said company, or of a majority of them, are hereby required and directed, as soon as conveniently can be done after the appraisement and valuation aforesaid, and after the return of the said certificates to the prothonotary and secretary of the said company as aforesaid, to lay and assess upon the value of the said marsh and low grounds mentioned and appraised in the said certificates returned to the prothonotary and secretary of said company as aforesaid, a certain rate upon each and every dollar of said appraisement and valuation so made and returned as aforesaid, so as to raise the sum of money estimated by said commissioners as the probable cost of making the improvements by them directed to be made, and also such further and additional sum of money as will be necessary to defray all the expenses incurred under this act, including the cost of procuring the same, and to pay any other just and lawful debts then owing by said company. If it shall hereafter be ascertained that the sum of money estimated by the said commissioners as the probable cost of making the improvements by them directed to be made be not sufficient to complete said improvements, the said company may, at any annual meeting thereafter to be held, by a plurality of votes determine, by resolution, what additional sum or sums of money ought to be raised, by way of tax as aforesaid, for the purpose of completing the said improvements directed to be made by said commissioners; and the said company shall have the power at any annual meeting to determine by Managers may levy taxes. Additional levies of taxes.

OF DITCHES.

Duplicate
lists of
assessments.

What to
contain.

To whom
delivered.

Conclusive.

Warrant to
treasurer to
collect taxes.

a plurality of votes, by resolution, what sum or sums of money ought to be raised, by way of tax as aforesaid, for the purpose of keeping all the ditches and drains of said company in good and sufficient repair, which said sums of money; either for completing the said improvements or for keeping all the ditches and drains of said company in good and sufficient repair, shall be levied and assessed by the managers for the time being of said company, or a majority of them, according to the provisions hereinbefore in that behalf contained; and the said managers, or a majority of them, shall, from time to time, make out duplicate list, under their hands, of all the assessments and taxes by them made and levied as aforesaid, which list shall contain a minute of all changes of ownership and transfer of any of the said marsh and low ground, and one of the said lists shall be delivered to the treasurer of said company for the time being, and the other of said lists shall be delivered to the secretary of said company; and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant for him or his successor in office for levying and collecting all and every the sums of money and taxes in said lists mentioned, and all the provisions of the act to which this is a supplement in relation to the receipt, payment and collection of the taxes therein directed to be assessed and levied are hereby declared to apply and be in full force in relation to the receipt, payment and collection of all and every the taxes by this act contemplated to be assessed and levied.

Duties of
managers.

It shall be the duty of the managers of said company for the time being, so far as they may have funds of the company sufficient therefor, to carry out, make and complete all and every the directions and improvements which shall be ordered by the said commissioners to be made under the provisions of Section 1 of this act; and it shall also be the duty of said managers at all times, when there may be funds of the company sufficient for that purpose, to keep scoured and cleansed and in good order and condition all the ditches and drains of the said company, and generally the said managers shall do and perform all and every act and duty required of them by the act to which this is a supplement.

New ap-
praisalment.

SECTION 3. That it shall be lawful for the said Gravelly Run Marsh Company, at the annual meeting to be held on the second Saturday of May in the year 1888, and at any

OF DITCHES.

annual meeting of said company to be held at the expiration of each and every five years thereafter, to determine, by ballot and by plurality of votes, whether a new appraisement and valuation ought to be made of the marsh and low grounds of said company; and if, at the annual meeting to be held on the second Saturday of May in the year 1888, or at any annual meeting of said company to be held at the expiration of each and every five years thereafter, it shall be determined that a new appraisement and valuation of the marsh and low grounds of said company ought to be made, it shall then be the duty of said company, immediately upon such determination, to elect, by ballot and by plurality of votes, three freeholders, residents of Kent county, and not members of said company, to act as commissioners, whose duty it shall be to make a new appraisement and valuation of the marsh and low grounds of said company, as provided in Section 1 of this act, and also to make and return two certificates, as provided in Section 1 of this act, and generally to do all and perform all and singular every act, matter and thing required to be performed by the commissioners to be elected under the provisions of Section 1 of this act; and the said commissioners shall have all the powers and be subject to the same restrictions and limitations as the commissioners to be elected under the provisions of Section 1, and shall be sworn or affirmed, as therein provided, among said commissioners, or in the case of the refusal or neglect of any of them to act the vacancy or vacancies may be filled, or another or other commissioners may be elected in the place of those refusing to serve in the same manner as is provided in that behalf in Section 1 of this act in relation to the commissioners therein contemplated to be elected, and the said appraisement and valuation of the said marshes and low grounds so as last aforesaid to be made shall be the rate of assessment for all taxes to be levied and raised by said company and binding and conclusive upon all parties until a new appraisement and valuation shall be made as herein provided.

When made.

Commissioners.
How chosen
Duties.

Powers.

Sworn.

Vacancies.
How filledContinuance
of valuation.

It shall be lawful for the said company, if by it deemed advisable to do so, to have a new appraisement and valuation of the marsh and low grounds of said company, as hereinbefore provided, at the expiration of each and every period of five years, reckoning from the second Saturday in May in the present year of 1883, but no new appraisement and valuation shall be made oftener than once in five years, and only then when deemed advisable so to do by a vote of said company

When new
appraise-
ment may
be made.Once in five
years.

OF DITCHES.

New ap-
praisement
may em-
brace other
marshes, etc

Proviso.

at an annual meeting; and in any such other new appraisement and valuation the commissioners shall not be confined to the same marshes and low grounds only which shall have been included in any previous appraisement and valuation, but may include any other marshes and low grounds which they may be of opinion are or will be benefited or improved by any ditch or ditches which shall have been or may be opened, and the fact that any of the said marsh and low grounds are subject to appraisement and taxation in any other company shall not exempt them from appraisement and taxation in the said The Gravelly Run Marsh Company; *provided* that in the opinion of said commissioners they are or will be benefited by any of the ditches or drains of the said The Gravelly Run Marsh Company now cut or open or hereafter to be cut or opened.

Managers to
levy taxes.
When.

SECTION 4. That if any new or other appraisement and valuation of said marsh and low grounds shall be made at the expiration of five years from the second Saturday of May in the year 1883, or at any other period of five years thereafter, as provided by the next preceding section of this act, it shall be the duty of the managers of the said company for the time being, as soon as conveniently can be done after such new or other appraisement and valuation shall be made, and after the certificates shall be returned as aforesaid, to lay out and assess upon the value of said marsh and low grounds mentioned and appraised in the certificates then last made and returned a certain rate upon each and every dollar of the appraisement and valuation then last made and returned as aforesaid, so as to raise a sum of money sufficient to defray the expenses of the then last appraisement and valuation, with such additional sum as may be necessary to carry into effect and complete all the improvements which may be directed by the said commissioners in their certificates then last made and returned as aforesaid, and also such other and further sum as the said company may at any annual meeting determine ought to be raised for the purpose of keeping the ditches and drains of the said company in good order and condition; and the said managers, or a majority of them, for the time being shall, from time to time, make out duplicate lists, under their hands, of all the assessments and taxes by them to be made and levied as last aforesaid; which lists shall contain a minute of all changes of ownerships and transfer of any of the said marsh and low grounds; and one of said lists shall be delivered to the treasurer of said company for

Duplicate
lists.
Contents.

To whom
delivered.

OF DITCHES.

the time being, and the other of said lists shall be delivered to the secretary of said company, and such assessment and lists shall be final and conclusive upon all the parties; and the said lists so delivered to the treasurer shall be a sufficient warrant for him, or his successor in office, for levying and collecting all and every the sums of money and taxes in said lists mentioned, and all the powers conferred by the act to which this is a supplement, for the collection of taxes therein contemplated, shall apply to the collection of the taxes provided for in this act; *provided* that no tax shall be assessed, levied and collected under this act, or the act to which it is a supplement, from the owner and possessor of lands which are assessed under the act incorporating "The Jamison and Wright's Marsh Ditch Companies" solely, except for the one-half part of the expense and cost for maintaining and keeping in good repair that part of "The Gravelly Run Marsh Company's" main ditch which lies between the junction of the ditches of said companies and the Maryland line.

Sufficient
warrant for
collection of
taxes.

Powers.

Proviso.

Exemption
from taxes.

Exception.

SECTION 5. That at all elections of said company to be hereafter held, no person shall have a right to vote unless he or she shall, at the time he or she may offer to vote, have paid all the taxes which may have been assessed against him or her by said company.

Who may
vote.

SECTION 6. That all the provisions of the act to which this is a supplement, except such as are hereby supplied or are inconsistent herewith, are hereby declared to be and continue in full force and effect.

Passed at Dover, April 3, 1883.

OF DITCHES.

CHAPTER 159.

OF DITCHES.

AN ACT to incorporate the Kirk Branch Ditch Company.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring,)*

Owners of
certain low
grounds in
Mispillion
hundred in-
corporated.

Name.

First meet-
ing.
When and
where held.

Election of
officers.

Occasional
meetings.

Notice.

Term of
office.

Vacancies.
How filled.

That the owners of the swamps and low grounds situated in Mispillion hundred, Kent county and State of Delaware, contiguous to or draining into the branch known as Kirk's Branch or any of its tributaries, and whose names shall be included in any certificate to be made by commissioners as hereinafter provided, and such persons as may hereafter become owners, shall compose a company to be called "The Kirk's Branch Ditch Company." The first meeting of said company shall be held upon a day to be appointed by the commissioners herein first named, at the school house in School District No. 34, in said hundred, and their annual meetings shall be held on the last Saturday in May following, at two o'clock P. M., and on the last Saturday in May in every year thereafter, at the same hour and place, or at such other hour and place as such company shall determine by a resolution to be adopted at any annual meeting. At the first meeting of the company held in pursuance of the call of the commissioners, said company shall choose by ballot and a plurality of the votes cast, a treasurer, a secretary and three managers, all of whom shall be members of the company. Occasional meetings may be called by the managers, or a majority of them, at such times and places as they may designate, by giving ten days notice by advertisements posted at five of the most public places of the neighborhood. The officers chosen at the first meeting shall hold until the next annual meeting and until successors shall be chosen, and at every annual meeting it shall be the duty of the company to choose officers as aforesaid, but in case of failure to do so the officers then in office shall continue until others are chosen. If any officer shall remove from the neighborhood, or shall dispose of his interest in said low grounds, or in any way cease to be a taxable, his place shall be vacated, and any vacancy, whether by death, resignation or otherwise, occurring in the interim between the annual meetings, may be filled at an occasional meeting of the company. Every owner

OF DITCHES.

ratable and assessed shall be entitled to one vote for every ten dollars or fractional part thereof for which he shall stand assessed, and such vote may be given in person or by proxy, constituted under hand and seal.

Who entitled
to vote.

Proxy.

Commis-
sioners.

Duties.

Certificates.
Contents.

Where filed.
Final.

When
evidence.

Commis-
sioners
sworn.

Vacancies.
How filled.

SECTION 2. *And be it further enacted,* That Zebulon Hopkins, Robert H. Smith and John Cahall, be and they are hereby appointed commissioners to make valuation of so much of said swamps and low grounds as in their judgment ought to be drained, and view, examine, ascertain and determine the width, depth and location of all such ditches or drains necessary and sufficient to drain said swamps and low grounds so far as they may judge, under all circumstances, that the same should now be drained, the quantity held by each owner or owners of such swamps or low grounds so to be drained, and to appraise and determine the benefit and advantage which each owner will derive by reason of the cutting or making of such ditches or drains; and the said commissioners, or a majority of them, shall make two certificates under their hands containing the names of the respective owners of said swamps or low grounds, the quantity held by each owner as aforesaid, and the appraisement of the benefits, profits and advantages to be derived by each owner or owners, and shall deliver one of said certificates to the secretary of the company, and shall return the other to the office of the Recorder of Deeds in and for Kent county, to be there recorded, which certificates shall be final and conclusive upon all parties, and shall be and remain the appraisement and valuation upon which all taxes which may be necessary to effect the purposes of this act shall be assessed, levied and raised, and a copy of the record thereof, certified by the Recorder under his hand and seal of office, shall be evidence in any court of this State. Each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed before some one by the laws of this State authorized to administer oaths, faithfully to perform the duties assigned to him by this act, according to the best of his skill and judgment. If either of the said commissioners shall die, resign, refuse, or be unable to act before the duties assigned to them by this act are fully performed, the Associate Judge of the Superior Court residing in Kent county shall, upon the application of any two persons having swamp or low grounds affected hereby, fill any such vacancy, and so as often as may be necessary until all the duties of the commissioners under this act may be completed, and any

OF DITCHES.

Powers. commissioner so appointed shall have all the powers and be charged with the performance of the same duties, so far as they are then incomplete, as if he had been originally named as one of the commissioners. When and as soon as the commissioners shall have made the certificates, as above provided, they, or a majority of them, shall call a meeting of the company at some time by them named in the said call, suitable and convenient, at the school house in School District No. 34 aforesaid, of which ten days notice shall be given by advertisements posted at five of the most public places of the neighborhood, and in said call and notices shall state the names of the owners contained in said certificate, and also the purpose of the meeting to elect officers as hereinbefore specified, and a majority at least of said commissioners shall be present at the opening of said meeting with the certificate directed to be delivered to the secretary.

Meeting. Notice.

Com-
mis-
sioners may
employ help
to cut
ditches, etc.

Expenses.
Detailed
account.

To be
recorded by
Treasurer.

SECTION 3. *And be it further enacted,* That the said Zebulon Hopkins, Robert H. Smith and John Cahall, commissioners herein named, or such other person or persons as may be appointed to fill any vacancy, shall cut and open all such ditches, drains, prongs and outlets as the said commissioners shall judge proper and sufficient to drain said swamps and low grounds as aforesaid, and for this purpose shall have power to employ such overseers and workmen as they may deem necessary to complete the work, and shall pay the expenses attending the same. An exact account shall be kept by the said commissioners of their doings and expenditures, showing, among other things, the amount of labor and services performed by each employee and the money paid to him, all articles furnished and by whom, and the money paid therefor, and the number of days which the said commissioners, and each of them, were personally engaged in the discharge of their duties respectively; which account shall be delivered to the treasurer of the company and shall be recorded in the book of the said treasurer and kept by him as one of the papers of the company.

SECTION 4. *And be it further enacted,* That for the purpose of raising the money necessary to cut and open the said ditches, drains, prongs and outlets, the said commissioners, whether those herein named, or that may be appointed as hereinbefore provided, shall, as soon as the appraisement and valuation aforesaid shall be completed and the certificates thereof have been made and delivered to the recorder and secretary

OF DITCHES.

as aforesaid, lay and assess upon the value of the swamps and low grounds benefited by said ditches or drains, prongs and outlets mentioned in said certificates, and according to and upon the value of the benefits and advantages accruing to the respective quantities or parcels of the swamp and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and open all the said ditches, drains, prongs and outlets; and in case the first levy and assessment shall not be sufficient, then, from time to time, and as often as may be necessary, to make such other and further levies and assessments as may be needful and sufficient for the purpose, which assessments shall be conclusive. Upon any such assessment the said commissioners shall appoint a day and place for the payment of the same, of which time and place ten days notice shall be given by advertisements, posted at five of the most public places of the neighborhood, and which notices shall contain the names of the several owners taxed, and the amount of money each is required to pay; and it shall be the duty of the taxables respectively to pay at such time and place, to any of the commissioners who may be in attendance, the sum assessed to him as aforesaid, and in case of non-payment the said commissioners shall have full power to levy and make the taxes so assessed and unpaid in the same manner and by the same means as are provided by law for the collection of county rates, except that no other notice or demand shall be required than the posting of the advertisements aforesaid; and the commissioners may either collect the said taxes themselves, or by warrant, under their hands and seals, or the hands and seals of a majority, may authorize and empower one of their number to make such collections; and the person so authorized and empowered shall have as full authority to proceed as though he were a collector of county taxes. In case none of the commissioners shall happen to be present at the time and place named in said notices, they may, upon and by like notices, appoint another time and place for the payment and receipt of the sums so assessed and payable.

Assessments

Additional assessments.

Final.

Payment.

Notice.

Powers of commissioners in collecting taxes.

SECTION 5. *And be it further enacted*, That when and so soon as the commissioners shall have finished the cutting and opening of the said ditches, drains, prongs and outlets, they shall cause a plot to be made of the same, showing the course and distance, depth and width of each ditch, drain, prong and outlet, and the name of each owner shall be stated

Plot, course and distances of ditches, etc.

OF DITCHES.

Record.

Evidence.

on said plot, with the distance which it runs through his land, and shall annex to said plot a general but accurate description of the number of acres of each owner benefited, the sums levied from and paid by each owner for the expenses attending the cutting and opening thereof, and the rate at which the same was levied, and they shall cause the same to be recorded in the office of the Recorder of Deeds in and for Kent county, and such record, or a certified copy thereof, shall be evidence.

Meeting of
taxables.
Notice.Statement of
commis-
sioners.Settlement
with secre-
tary and
treasurer.
Conclusive.
Duties of
commis-
sioners.Compensa-
tion.

SECTION 6. *And be it further enacted*, That the said commissioners, when the said cutting and opening shall have been completed and the said plot shall have been made and lodged for record, shall, within two weeks afterwards, give notice, in writing, to the managers for the time being, who shall thereupon and within two weeks call a meeting of all the taxables, by public notice as aforesaid, and shall give special notice thereof to the said commissioners, at which meeting the said commissioners shall attend, and then and there make a just statement and render a full and true account of their doings in the premises, showing their receipts and expenditures, and the several persons to whom the money was paid and for what such payment was made, and shall pay over to the treasurer any residue that may remain unexpended, and shall deliver to the secretary all books, papers and vouchers in possession or control, showing their action as such commissioners, and shall take the receipts of the said treasurer and secretary; and such settlement being made and receipts given and accepted shall be final and conclusive. Upon such settlement the said commissioners shall exhibit a true statement of the number of days each was employed or engaged in and about the performance of the duties enjoined by this act in the work of viewing the said swamps and low grounds and in preparing the papers directed to be made, and in attending to the opening and cutting the said ditches, drains, prongs and outlets; and each of said commissioners shall be entitled to receive the sum of two dollars for each day on which he was so employed or engaged, and a further sum for collecting and disbursing the money collected, to be fixed by the vote of the company at such meeting, not to exceed five per centum thereof; and in such settlement any sum so due may be retained by the commissioners for the benefit of any of them so entitled, and if there be not enough money in their hands for the purpose of compensation, any deficiency shall be paid by the company, and it shall be the

OF DITCHES.

duty of the managers immediately to levy and make the same from the taxables in the same manner as they are hereby authorized to levy money to keep up the ditches of the company.

SECTION 7. *And be it further enacted,* That when the said ditches, drains, prongs and outlets shall have been cut and opened, or any other ditches, drains, prongs or outlets hereby authorized to be laid out and cut by any commissioners, and the duties of the commissioners in relation thereto shall have been completed, then it shall become the duty of the company to keep the same open and in good order and repair, so as to drain and reclaim the said swamps and low grounds, and at the annual meetings of the said company after the said ditches, drains, prongs and outlets shall have been cut and opened, the said company, by a majority of votes cast, may determine from time to time what sum and sums of money ought to be raised by way of taxes for that purpose, and in order to raise the said sum and sums so determined, the managers, for the time being, are authorized and required to lay and assess upon the value of the said swamps and low grounds mentioned in the certificates of the commissioners as being benefited according to and upon the value of the benefits, profits and advantages of the respective quantities or parcels of the said swamps and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value so as to raise the said sum and sums so determined to be raised by the company, and the valuation and appraisement made by the commissioners shall be the basis upon which all and every such taxes shall be assessed, levied and raised until another appraisement or valuation shall be made as herein authorized. When any such tax is deemed necessary as aforesaid, the managers shall make out duplicate lists under their hands, or the hands of a majority of them, of the assessments and taxes made and levied by them, which shall contain a minute of all changes of ownership and transfers of any of said low grounds and swamps, and one of said lists shall be delivered to the secretary and the other to the treasurer, and such assessments and lists shall be final and conclusive, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes on said lists mentioned, and for this purpose the treasurer shall have full power and authority to levy and make the taxes on said list in the same manner and by the same means

Ditches to be kept in good repair.

Annual meeting.

Taxes. How raised.

Appraisement.

Duplicate lists. Contents.

Delivered to secretary and treasurer.

Warrant to treasurer to collect.

Powers of treasurer.

OF DITCHES.

prescribed by law for the recovery and collection of county rates, and every treasurer, for the time being, shall have like power to collect, within five years after the same have become due and payable, all taxes unpaid upon any list delivered to any former treasurer. Before any treasurer shall exercise the power of collection hereby given, the managers shall appoint the time for the payment of said taxes, and give notice thereof by advertisements posted in five of the most public places of the neighborhood for ten days, and then, in case of non-payment, the treasurer may proceed as hereinbefore authorized. In the performance of their duties, the managers shall have power to employ such workmen as they may deem necessary, and all the wages and expenses in and about such work shall be paid by orders drawn by them on the treasurer, and each order shall specify the services, wages and expenses for which it was drawn, and an exact account shall be kept by the managers of all orders drawn by them, specifying the services or expenses for which each was drawn, and said accounts shall be laid before the annual meetings of said company. Each manager, before entering upon the duties assigned him by the requirements of this act, shall be sworn or affirmed, before some person qualified to administer oaths, to perform the same according to the best of his skill and judgment, which oath or affirmation, under the hand of the manager making it, shall be certified by the person before whom it is made, and shall be returned to the secretary, and shall be by him recorded in the books of the said company, and the original shall be kept among its papers. The acts of a majority of the managers shall be as valid and effectual as the acts of the whole.

Payment of
taxes.
Notice.
Time and
place.

Managers
may employ
workmen.

Orders
drawn on
treasurer
for payment.

Managers
sworn.

Oath record-
ed. Where.

New ap-
praisement.
When made.

Recorded.

SECTION 8. *And be it further enacted,* That the said company shall have authority, at any annual meeting to be held after the said ditches, drains, prongs and outlets shall have been cut and opened, and the commissioners shall have fully completed the duties hereby assigned, to direct, by a majority of votes cast at such meeting, that a new appraisement or valuation of the swamps and low grounds within the bounds of the company shall be made; and whenever, at such meeting, the said company shall have so determined, there shall be elected at the same meeting three commissioners, being freeholders of Kent county and residents therein, and not being members of said company, to make such new appraisement or valuation, which appraisement or valuation shall be made, certified, returned and recorded in the same

OF DITCHES.

manner as hereinbefore provided for the certificate and return on the original assessment, within sixty days after their election as aforesaid, and the said appraisement and valuation shall be the appraisement and valuation upon which the taxes shall be thereafter levied until the same is altered and supplied by a new valuation or appraisement, to be made in like manner. In case any commissioner so elected shall be unable or refuse to act, the Associate Judge of the Superior Court residing in Kent county may appoint another or others instead, in the same manner as hereinbefore provided in the case of the commissioners originally herein named. Any commissioners so elected and making such new valuation or appraisement shall have power, on the request of the managers for the time being, or a majority of them, in writing, to view and determine concerning the necessity of further new ditches, drains, prongs, or outlets, and to return certificates thereof, and if deemed necessary to lay out, cut and open the same as fully and in the same manner as the commissioners herein first appointed, and all the provisions concerning and powers conferred upon the commissioners so first herein appointed shall apply and belong to any commissioner so making a new valuation or appraisement, and being requested as aforesaid, so far as the same may be useful and appropriate.

Vacancies.
How filled.

Powers.

SECTION 9. *And be it further enacted,* That the treasurer, before entering upon the duties of his office, shall give bond to the company, with surety or sureties to be approved by the managers, and in such sum as they shall direct, with conditions to be void if he shall pay all orders drawn on him by the managers so far as he shall have funds in his hands for that purpose, and shall well and truly account for all moneys that shall come into his hands as such treasurer, and shall pay over any sum that may be due from him to his successor in office, and shall perform all the duties of his office with fidelity.

Bond of
treasurer.
Approval.

Conditions.

SECTION 10. *And be it further enacted,* That the commissioners named in this act, or such others as may be appointed in their stead, shall procure a certified copy of this act from the Secretary of State and deliver the same to the secretary of the company, who shall record the same among the records of the company; the fee for which, as well as for the drawing of this act and all other expenses attending the performance of their duties, shall be paid by them out of any funds in their hands arising under this act. The secretary

Certified
copy re-
quired.

Recorded.
Where.

OF DITCHES.

Duties of
secretary.

shall also record any certificate delivered to him by the commissioners, and all lists delivered from time to time by the managers, and all other proceedings of said company at any annual or occasional meeting, or which the company may direct to be recorded, in a suitable book, and properly file all papers belonging to the company which shall come into his hands, and the same shall be records of the company which any member thereof shall have the right to inspect under the supervision of the secretary, and shall deliver all records and papers of said company in his custody to his successor in office. The secretary shall receive for his services such sum as the company may direct. Each manager shall receive such compensation as may be allowed by the company, not exceeding two dollars for each day's service, and the treasurer shall be allowed such commissions as may be fixed by the company, not exceeding five per centum on all moneys by him collected, excluding moneys paid to him by his predecessor in office. The compensation provided by this act to be fixed by the company shall be determined by a majority of the votes cast, and in case of the officers shall be so determined at each annual meeting.

Compensation of Secretary.
Compensation of managers and treasurer.

Compensation.
How fixed.

Penalty for
obstruction
of ditches.

SECTION 11. *And be it further enacted,* That if any person shall willfully fill up or obstruct any ditch, drain, prong, or outlet of said company, or shall willfully obstruct or impede the course of the water running down the same, every such person shall pay to the company the sum of one hundred dollars, to be recovered by suit, in the name of said company, before any justice of the peace in and for Kent county, and for any other damage or injury to any such ditch, drain, prong, or outlet, the said company shall have and maintain an action in the Superior Court in and for Kent county if the damages claimed shall exceed one hundred dollars, or before any justice of the peace in and for said county if such claim be less than that amount.

How
recovered.

Action for
damages.

Privileges of
adjacent
owners of
low lands
with refer-
ence to trib-
utary ditches

SECTION 12. *And be it further enacted,* That every owner of swamp or low grounds ratable and assessed by virtue of this act shall, from time to time, have the right to discharge the water from their respective lands into ditches, drains, prongs, or outlets of the company, by ditches or drains to be cut and opened and kept open at the expense of the persons benefited thereby, through the grounds of other owners, in such place or places and of such width and depth as any three commissioners, or a majority of them for the time being, shall

OF DITCHES.

lay out and prescribe; or, if there be no such commissioners in being, any such owner, desiring to cut and open such ditches or drains, shall have the right to apply to the Associate Judge of the Superior Court resident in Kent county for the appointment of three commissioners, who shall be freeholders of and residents in Kent county and not members of the company, for that purpose; such other owners through whose lands the said ditches or drains may be opened shall contribute such proportion of the expense of cutting, opening and keeping open said ditches and drains as the commissioners shall direct, to be recovered before any justice of the peace at the suit of the owner or owners having paid or performed the same. The commissioners so laying out any such ditches or drains shall make return of their proceedings in and about the said service, including in such return their estimate of the cost of opening, cutting and keeping open the same, and their apportionment thereof among the respective owners, unto the secretary of the company, to be by him recorded, and such record, or a certified copy thereof, under the hand of the secretary and the seal of the company, shall be evidence. Each commissioner shall be entitled to the sum of two dollars for each days service in laying out said ditches or drains, to be paid primarily by the person making application for such services; but such person shall have the right to recover from the other owner or owners benefited a proportion of such expenditure, to be ascertained by the rate at which each is directed to contribute towards the expense of cutting and opening the same by the return of the commissioners. Every owner shall have the right to cut, open and keep in repair any ditch or drain through his own swamp or low grounds into any ditch or ditches or drains of said company.

Appoint-
ment of new
commission-
ers.

Expense.

How recov-
ered.

Return.

Estimate of
costs, etc.

Record.

Evidence

Compensa-
tion of com-
missioners.
By whom
paid.

SECTION 13. *And be it further enacted,* That the commissioners first herein named, or any commissioners appointed in their stead, or any commissioners who may be appointed or requested to view, for the purpose of laying out any new ditches, drains, prongs, or outlets of the company, shall have power, if deemed by them to be proper, to employ a surveyor to assist in the discharge of their duties and in making the certificates and plots herein authorized and required, who shall be sworn or affirmed to perform faithfully the duty imposed on him; and the expense attendant upon such employment and service shall form part of the expenses contemplated in the performance by such commissioners of the duties enjoined upon them, and shall be paid in like manner. The

Surveyor.

Sworn.

How paid.

OF DITCHES.

meeting first herein provided for, at which the officers of the company are first elected, shall be held under the direction of the commissioners then in being, or a majority of them.

SECTION 14. *And be it further enacted,* That the act entitled "An act to incorporate the Kirk Branch Ditch Company," passed at Dover, March 27, 1879, be and the same is hereby repealed, except Section 14 thereof, repealing the act of the same title, passed at Dover, February 25, 1859, for which purpose the said section is continued in force.

SECTION 15. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 3, 1883.

CHAPTER 160.

OF DITCHES.

AN ACT to incorporate the "Gum Branch Ditch Company" in Cedar Creek and Nanticoke Hundreds in Sussex County, Delaware.

Preamble. WHEREAS under and by virtue of an order heretofore issued out of the Superior Court of the State of Delaware in and for Sussex county, a certain ditch in Cedar Creek and Nanticoke hundreds in the county and State aforesaid, known as the Gum Branch Ditch, has been laid out, nearly made and opened, and also an order of said court for another ditch in said hundreds, known as the Stallion Head Branch Ditch (a prong of Gum Branch), has been laid out, nearly made and opened; and whereas it appears to be the interest of the taxables on said ditches that further provision should be made by this General Assembly for completing [and] keeping the same cleansed and in repair;

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring),* That Isaac C. Webb, Joshua Webb, Charles H. Russell, James H. Wharton, S. I. Hempling, Wm. H. Hempling, John Webb, Chalton Smith, I. M. Hemmonds and James Murphy, and

OF DITCHES.

all others who now are or hereafter may become taxables upon the said Gum Branch Ditch and the different streams or branches and ditches tributary thereto, be and the same are hereby declared to be incorporated for the purpose in this act mentioned, by the name, style and title of the Gum Branch Ditch Company, and shall have succession, and by the same name may sue and be sued, plead and be impleaded in all courts of law or equity in this State, and shall have all other powers incident to a corporation except banking powers.

SECTION 2. *Be it further enacted*, That the said taxables or corporators shall hold their first meeting on the third Saturday in April of the present year 1883, at the school house by John Webb, in Cedar Creek hundred aforesaid, at which said meeting the said taxables or corporators shall elect, by ballot and by plurality of votes, two managers and one treasurer for said corporation; said meeting shall be called by five days written notice, signed by any four of said taxables or corporators and posted in three or more of the most public places in the neighborhood of the lands drained or benefited by said ditches. The said managers and treasurer so appointed shall serve for one year and until their successors are duly elected and qualified. The annual stated meetings of said taxables or corporators shall be held at the place aforesaid, or in such other place in said hundreds as the said taxables or corporators shall have designated for that purpose by a resolution adopted at any previous meeting, on the second Saturday of March in each and every year thereafter; of which said annual stated meetings the managers for the time being shall give notice in the same manner as is hereinbefore provided for calling the first meeting, and at which said annual meeting the taxables or corporators shall choose, by ballot and by a plurality of votes, one treasurer and two managers, and may do and determine all such matters and things as the said taxables or corporators may deem necessary for effectually cleansing or repairing said ditches; and such annual meeting of the said taxables or corporators may be adjourned from time to time, and occasional, or stated meetings, may be from time to time called by the managers for the time being, or the survivor, if either be dead, by giving notice required for annual stated meeting; and if the managers and treasurer shall not all, or any of them, be chosen at the stated annual meeting in any year, or if any manager or treasurer shall die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned or

Name.

Corporate powers.

First meeting

Organization.

Notice of meeting. How called.

Term of office.

Annual stated meetings. Where held.

Notice. How given.

Officers chosen.

Adjourned meetings. Occasional meetings.

How called. Notice.

Vacancies. How filled.

OF DITCHES.

occasional meeting by ballot and plurality of votes as aforesaid; and all the managers and every treasurer elected under this act shall continue in office until the annual meeting next succeeding their election and until successors be duly chosen, except that if any manager or treasurer shall, after his election, remove from the neighborhood of such lands drained or benefited by said ditch, the said company may, at any of its meetings, declare the place of such manager or treasurer vacant and elect another in his place; and further, that said taxables or corporators, at any adjourned or occasional meeting, may do all such acts or things as may or might be done at a stated meeting and at all meetings of the said taxables or corporators. The taxables present shall be entitled to vote as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him or her.

Qualifica-
tion of voters

Commis-
sioners free-
holders.

Duties.

Valuation of
lands
drained.

Basis of
assessment.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex county aforesaid, (having no interest in any of the lands drained or benefited by said ditches,) as commissioners to go on the aforesaid ditches, whose duty it shall be, having first been sworn or affirmed to perform the duties devolved upon them by this act with fidelity, and if, in their judgment, shall deem it prudent and necessary for the drainage of any of the low lands of the taxables or corporators of said ditch, they shall lay off, widen, deepen or extend any new or old branch or branches of said ditch. The said commissioners shall have a right to call a surveyor to run out and survey any or all new branches only, and to make a valuation of the lands drained or benefited by such ditch, and the said commissioners are hereby further authorized and required to go upon and view all the lands which in their opinion, or in the opinion of a majority of them, are drained or benefited by said ditch, and to ascertain all of the said owners of the said lands drained or benefited by the said ditch and the quantity of such lands held by each owner or by the joint or common owners (if any be held undivided), and to appraise all the said lands which in their opinion, or in the opinion of a majority of them, are drained or benefited by the said ditch, and shall determine the value of the said lands according to the situation thereof and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of

OF DITCHES.

assessment for all the taxes leyied under this act for the period of ten years next ensuing the date of making said appraisalment; and if at the expiration of said period of ten years the said taxables or corporators shall by ballot and by a plurality of votes, at a stated annual meeting of said taxables or corporators, determine to make a new appraisement of said lands drained or benefited by said ditch as a basis for all their subsequent assessments of taxes, they shall choose by ballot and plurality of votes three other like commissioners for the purpose of making such appraisement, who shall have all the powers of those first chosen under this act, and whose appraisement when duly certified to a meeting of the said taxables or corporators shall continue for ten years thereafter as or for all their subsequent taxation under this act; but if the said taxables or corporators shall otherwise determine at said meeting, the appraisement first made under this act shall continue as a basis of all the then subsequent taxation under this act.

For what
period.

New ap-
praisement.
By whom
made.

Powers.

Term of
office.

Continua-
tion of new
appraise-
ment.

SECTION 4. *And be it further enacted,* That the said commissioners, or a majority of them, shall, within thirty days from the day of their appointment, call a special meeting of said taxables or corporators by giving five days public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate made under their hands or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner or by joint owners (if any be undivided), and the appraisement of the several quantities or parcels of lands by said commissioners to be named as aforesaid, and the said commissioners are hereby further authorized and required, after viewing the said Gum Branch ditches, to estimate the probable expenses of cleansing, repairing and completing the said ditches; and the said commissioners, or a majority of them, shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex county, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may, at any annual, adjourned, or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies, and each commissioner shall, for each and every day's service in and about the business of

Special
meetings.
How called.

Certificates
by commis-
sioners.
Contents.

Estimate of
expense of
repairing
ditches.

Shown by
certificate.

Commis-
sioners va-
cancies.
How filled.

Compensa-
tion.

OF DITCHES.

said company under this act, be entitled to receive of said company the sum of one dollar and fifty cents.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid, to lay and assess upon the value of said lands drained or benefited by said ditch mentioned in said certificate of the commissioners such sums of money as the said commissioners, or a majority of them, shall have estimated as the probable expense as aforesaid, or such part of said sum as the said managers may deem expedient to raise in the first instance, which said sum of money shall be apportioned among the several owners of the said lands drained or benefited by said ditch upon the basis of the appraisement so as aforesaid returned to said meeting by the said commissioners; and for the raising of any further or other sums of money which may be necessary for completing, cleansing, repairing and keeping in repair the said Gum Branch Ditch, it shall and may be lawful for the managers to lay and assess upon the value of the said lands drained and benefited by the said ditch all such sum and sums of money as the said taxables and corporators at any of their meetings, from time to time, determine and direct to be levied and raised; and all such sum or sums of money or taxes shall be apportioned in the same manner as is herein directed for the apportionment of the first tax to be levied and raised under this act. And the managers shall, from time to time, make out duplicate lists, under their hands, of all assessments and taxes by them levied and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any), by transfer or otherwise, of the said lands drained or benefited by the said ditch, so far as the same is known to the said managers; one of which said lists shall be delivered to the treasurer for the time being, and the other shall be retained by the managers, and shall be copied in the book where the records of the proceedings of said company are kept. The said list shall be final and conclusive upon all parties; and the list, from time to time delivered to the treasurer as aforesaid shall be a sufficient warrant to him, or his successors in office, for levying and collecting the sum of money or taxes in said lists mentioned.

Assessments

Apportionment.

Assessments for repairing of ditches.

Duplicates.

Delivery of lists to treasurer.

Such lists final.

Warrant for levying and collecting taxes.

OF DITCHES.

And furthermore, it shall be the duty of the managers, and they are hereby authorized and required to cleanse and repair the said ditch, and to keep or cause [it] to be kept open and in good repair. And generally the managers shall carry into full effect all the lawful directions of the company which shall from time to time be given them in relation to their aforesaid trusts, for which purpose the aforesaid managers shall have power to employ such workmen and laborers as may be necessary for repairing and keeping in repair;* the said work shall be paid by orders drawn by the managers on the treasurer; every order shall specify the service, wages or expenses for which it is drawn, and exact and true accounts shall be kept by the managers of all orders so drawn, and said accounts shall be laid before the annual or other meetings of the said taxables or corporators as they may direct. Any person assessed for a tax upon said ditch may discharge the same by work done in and about said ditch, which said work shall be accepted by the treasurer in payment of their tax; and every manager shall, for each and every day's service in and about the business of said company under this act be entitled to a fee from said company [of] the sum of one dollar.

Duties of managers.

Employment of workmen. Orders.

Contents.

Account of orders kept by managers

Compensation of managers.

SECTION 6. *And be it further enacted,* That the managers laying the taxes shall appoint the time for payment of them; and it shall be the duty of the owners respectively to pay to the treasurer the taxes which (according to the list to be delivered to the treasurer from time to time as aforesaid,) they shall be liable to pay at the time or times appointed by the managers for such payment as aforesaid.

Time for payment of taxes.

Powers of treasurer.

SECTION 7. *And be it further enacted,* That the treasurer for the time being, and every treasurer for the time being shall, before he enters upon the duties of his office, give bond, with security to be approved by the managers, to the said taxables or corporators by the name aforesaid, in the penalty of double the amount of taxes assessed and to be collected, upon condition to be void if the said treasurer shall pay all orders drawn upon him by the managers for the time being, as far as he shall have funds of the company for that purpose, and shall well and truly account for all money which shall come to his hands as such treasurer, at any annual meeting of the company, or otherwise, as the company may direct, and shall pay any balance or sums that shall be due from him on such accounts to his successor in office, or otherwise, as the company may direct, and shall perform all

Bond of treasurer. Approval. Conditions.

*So enrolled, and in original bill.

OF DITCHES.

the duties of said office as treasurer with fidelity; and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer as the treasurer had to whom the list was originally delivered.

Powers of
treasurer to
collect taxes.

SECTION 8. *And be it further enacted,* That the treasurer for the time being shall have full power and authority to demand and receive, levy and make, all and every the taxes which shall be laid and assessed pursuant to this act by the managers, according to the certificate or the list which shall be delivered to such treasurer; and in case any tax or taxes so levied and assessed, or any part thereof, shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the treasurer for the time being shall proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of the county, poor and road taxes, except that the said treasurer shall advertise at least thirty days before the day of sale; and every treasurer shall be allowed a commission of five per centum on all money by him collected.

Compensa-
tion.

Right of
owners of
low ground
ratable and
assessed to
cut lateral
ditches.

SECTION 9. *And be it further enacted,* That every person holding any ground adjacent to said ditch, and ratable and liable to be assessed under this act, shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the company's ditch at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper; *provided, nevertheless,* that if the said ditches or drains from such adjacent ground shall run through the land of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders to be appointed by the managers for the time being, and the place so fixed and determined by said freeholders shall be certified by them under their hands to the managers for the time being, and the certificate entered upon the books of the company.

Proviso.

Certificate.
Where
entered.

Penalty for
obstructing
or injuring
ditches.

SECTION 10. *And be it further enacted,* That if any person shall willfully fill up or in any manner obstruct or injure the said ditch, or shall stop, obstruct or impede the course of the water running therein, every person so offending shall pay to the said Gunn Branch Ditch Company the sum of thirty

OF DITCHES.

dollars, and also the damages sustained by said company by reason of such filling up, obstructing, stopping or impeding, to be recovered before any justice of the peace in and for Sussex county aforesaid, in the same manner and by [like] proceedings as debts under two hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every the justices of the peace in said county.

Damages.
How
recovered.

SECTION II. *And be it further enacted*, That this act shall be deemed and taken to [be] a public act, and that the power [of] revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, April 10, 1883.

CHAPTER 161.

OF DITCHES.

A SUPPLEMENT to the act entitled "An act to incorporate the Pocomoke River Improvement Company."

Volume 13,
Chapter 195.
Supplement
to.

WHEREAS under the provisions of an act passed at Dover, March 22d, A. D. 1867, entitled "An act to incorporate the Pocomoke River Improvement Company," the low grounds lying west of the Pocomoke River Run and the Upper Pocomoke, beginning at George T. West's upper line, were not embraced within the limits of said company except for a qualified and special purpose; and whereas the owners of the said low grounds are desirous of becoming subject to all the provisions of the act aforesaid; therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION I. That the limits of the Pocomoke River Improvement Company, as now defined, be and the same are hereby extended so as to embrace all the low lands lying on both sides of the north prong of Pocomoke river, beginning at the place called the lake, and running through the lands

Limits.

OF DITCHES.

of the heirs of Louder N. Hearn, Shadrach Short, Robert Short, Joshua G. West, Elijah W. Collins and other lands, and terminating on the lands of Jacob P. Collins; and known and designated as the north prong of the Pocomoke river.

Rights of
owners.

SECTION 2. That the owners of the low lands aforesaid shall have the same right, powers and privileges as are now enjoyed by the members of the said the Pocomoke River Improvement Company, and shall be subject to the same rules, regulations and restrictions which are imposed upon the said the members of the said company by the act to which this is a supplement.

Commis-
sioners
powers.

SECTION 3. That the commissioners named in the act to which this is a supplement, shall have the same powers and privileges, and it shall be their duty, upon the request of the managers of the corporation created by the act to which this act is a supplement, to go upon, view, assess and perform all the duties in respect to the lands herein embraced, as is required of them under the original act.

Duties.

Election of
board of
managers
and treasurer

Powers.

SECTION 4. That nothing in this act shall be construed to prevent the owners of the low lands lying along the said north prong of the Pocomoke river from electing a board of managers to rule and govern the said north prong of the Pocomoke river, and the election of a treasurer of the said north prong of the Pocomoke river, but that the same power and authority now exercised by the owners of the lands along the said north prong be and the same shall continue.

Passed at Dover, April 18, 1883.

OF RAILROADS.

CHAPTER 162.

OF DITCHES.

AN ACT to amend an act entitled "An act incorporating 'The Fan Branch Ditch Company,'" passed at Dover, April 7th, 1869.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That the act entitled "An act to incorporate 'The Fan Branch Ditch Company,'" passed at Dover, April 7th, 1869, be and the same is hereby amended by striking out of Section 5 of said act the following words: "At all meetings the taxables present shall be entitled to cast one vote only;" and insert in lieu thereof the following: "At all meetings of the said company every owner of any swamp or low grounds ratable and assessed by virtue of this act may vote if present, or if absent by proxy duly attested under hand and seal; and every person so assessed shall be entitled to one vote for every ten dollars, or fractional part thereof, for which he shall stand assessed."

Section 5 of
Chapter 643,
Volume 13,
amended.

Who may
Vote.

Proxy.

Passed at Dover, April 19, 1883.

CHAPTER 163.

OF RAILROADS.

AN ACT to authorize the "Delaware and Chesapeake Railway" to consolidate and form a union with "The Philadelphia, Wilmington and Baltimore Railroad Company."

WHEREAS "The Philadelphia, Wilmington and Baltimore Railroad Company" is the owner of all the shares of the capital stock of the "Delaware and Chesapeake Railway;" and whereas the line of railroad of the former company is connected with that of the latter by an intervening railroad, to wit: the "Delaware Railroad;" and whereas the first named company operates and controls the railroad of the said "The Delaware Railroad Company" under a lease executed

Preamble.

OF RAILROADS.

pursuant to the authority of an act of the General Assembly of the State of Delaware in that behalf; and whereas the maintenance of the said "Delaware and Chesapeake Railway" as a separate organization involves the necessity of keeping separate and distinct accounts and employing separate officers, and thereby the annual expense of operating the same is considerably augmented; and whereas the said "Delaware and Chesapeake Railway" is a corporation existing under the laws of the States of Delaware and Maryland; and whereas the General Assembly of the State of Maryland, by an act approved May 3, 1882, has empowered the said last named corporation to consolidate and form a union with the said "The Philadelphia, Wilmington and Baltimore Railroad Company;" and whereas in order to effect such consolidation and union it is necessary that legislation should be had in this State similar to that enacted in the State of Maryland as aforesaid; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein,) as follows:

May consolidate by agreement. To be approved by two-thirds vote of stockholders

SECTION 1. That it shall be lawful for the "Delaware and Chesapeake Railway" at any time to consolidate and form a union with "The Philadelphia, Wilmington and Baltimore Railroad Company," by agreement between the boards of directors of the said companies upon such terms and conditions as to them may seem best; said agreement to be executed under the corporate seals of the said companies, and approved by a two-thirds vote of the stockholders thereof present or represented at any annual meeting, or at any special meeting called for that purpose, after thirty days notice by publication in one or more newspapers of this State.

Notice.

Agreement to be filed in office of Secretary of State.

SECTION 2. That when any such agreement shall have been approved by the stockholders of the said respective companies, and the fact of such approval certified thereto by the secretary of each company under its corporate seal, it shall be filed in the office of the Secretary of State, and thereupon the said two corporations shall be taken to be one corporation in law, by the name provided in said agreement, possessing all the property, powers, rights and franchises, immunities and privileges of each of the said corporations consolidated and united as aforesaid, and subject to all the

The two corporations considered as one in law Powers, etc.

OF RAILROADS.

restrictions, disabilities and duties of each of such corporations, save as far as modified by such agreement; *provided* Proviso. that all rights of creditors and all liens upon the property of each of said corporations shall continue unimpaired, and each of such corporations so consolidated may be deemed to be in existence to preserve the same; and all debts, duties and liabilities of each of said companies shall thenceforth attach to the consolidated company, and may be enforced against it to the same extent and by the same process as if said debts, duties and liabilities had been contracted by it; *and provided further*, that a certified copy of the said certificate and copy of agreement so to be filed in the office of the Secretary of State shall be evidence of the lawful holding and action of such meeting and of the consolidation of said companies. Any certified copy of the said document, under the seal of office of the Secretary of State, may also be recorded in the office of the Recorder of Deeds in and for Kent Preservation of rights, debts, etc. county, and such record, or a certified copy thereof, shall be evidence. If any stockholder in either of the said companies Further proviso. Copies of certificate and agreement evidence. so consolidated shall be dissatisfied with or object to such consolidation, it shall be lawful for such stockholder, within thirty days after the completion of such consolidation, to apply, by petition, to the Chancellor of this State (a copy of which petition shall be served on the new company,) to appoint three disinterested persons to estimate and appraise the damage, if any, done to such stockholder by the said consolidation, and their award, or that of a majority, when confirmed by the Chancellor, shall be final and conclusive; Recorded. Where. Evidence. Stockholder objecting may petition Chancellor. and they shall also appraise the share or shares of stock of such stockholder at their full market value, without any regard to the appreciation or depreciation arising from said consolidation, and their appraisement, or that of a majority of them, when confirmed by the Chancellor, shall be final and conclusive. And the said new company may, at its election, pay to such stockholder the amount of the damages so estimated, or the value of the stock so appraised; and such stockholder, upon receiving such damages, or such value of the stock held by him, shall transfer such stock to said new company, to be disposed of by the directors thereof, or retained by them for the benefit of the stockholders of such new company. Chancellor may appoint commission to ascertain damages. Award. Appraisement of stock. When conclusive. Transfer of stock.

SECTION 3. That it shall be lawful for "The Philadelphia, Wilmington and Baltimore Railroad Company" to consolidate and form an union with the "Queen Anne and Kent May consolidate with other corporations by judicial sale.

OF RAILROADS.

Railroad Company" and the "Dorchester and Delaware Railroad Company," or any corporation organized by the purchaser or purchasers of the franchise and property of said last mentioned company and succeeding to and acquiring title to the franchises and property thereof by means of a judicial sale, or either or both of them, in the same manner, by the same process, upon the same conditions, with like effect, and subject to the same restrictions as are hereinbefore provided and stipulated concerning the consolidation and union of the "Delaware and Chesapeake Railway" with the said "The Philadelphia, Wilmington and Baltimore Railroad Company."

Conditions.

Public act.

SECTION 4. That this act shall be deemed and taken to be a public act, and the power to revoke the same is expressly reserved to the Legislature.

Passed at Dover, February 1, 1883.

CHAPTER 164.

OF RAILROADS.

A SUPPLEMENT to an act entitled "A supplement to an act to incorporate the Purchasers of the Wilmington and Western Railroad," passed March 1st, 1881. Laws of Delaware, Volume 16, Chapter 454.

Preamble.

WHEREAS the Delaware Western Railroad Company and the Baltimore and Philadelphia Railway Company, in pursuance of the act to which this is a supplement and of the laws of Pennsylvania, have been consolidated so as to form one corporation, known as the Baltimore and Philadelphia Railroad Company, as shown by the certified copy of the agreement of consolidation now on file in the office of the Secretary of State; and whereas by such consolidation said The Baltimore and Philadelphia Railroad Company has become entitled to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company; therefore

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring) :

SECTION 1. That the said "The Baltimore and Philadelphia Railroad Company," being the corporation which has succeeded to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company, shall be and is hereby authorized to locate and construct its railroad or railroads, authorized by the first section of the act to which this is a supplement, within the town of Newark, on the route now located by said Delaware Western Railroad Company for said railroad within said town, instead of running within one-half a mile of said town on the north side thereof, as provided in said act. Authorized to change route of road

SECTION 2. The time for the completion of the extension or extensions of said railroad, as provided in the first section of said act, is hereby extended for a further period of ten (10) months beyond the date fixed by said first section. Time for completion extended.

SECTION 3. The president and directors of the said Baltimore and Philadelphia Railroad Company may, from time to time, borrow money and issue bonds, or other certificates or evidences of indebtedness, and secure the same by one or more mortgages or deeds of trust upon its railroad or branches, constructed and to be constructed, and upon the real, personal and mixed property owned, or to be thereafter acquired by said company, and the corporate rights, powers, privileges and franchises of said company, or upon any part or parts of said road, branches, property, or rights and franchises; and said president and directors may sell, or otherwise dispose of such bonds or certificates of indebtedness as they may deem necessary and proper for the corporate purposes of said company. Authorized to borrow money and issue bonds.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 26, 1883.

OF RAILROADS.

Railroad Company" and the "Dorchester and Delaware Railroad Company," or any corporation organized by the purchaser or purchasers of the franchise and property of said last mentioned company and succeeding to and acquiring title to the franchises and property thereof by means of a judicial sale, or either or both of them, in the same manner, by the same process, upon the same conditions, with like effect, and subject to the same restrictions as are hereinbefore provided and stipulated concerning the consolidation and union of the "Delaware and Chesapeake Railway" with the said "The Philadelphia, Wilmington and Baltimore Railroad Company."

Conditions.

Public act.

SECTION 4. That this act shall be deemed and taken to be a public act, and the power to revoke the same is expressly reserved to the Legislature.

Passed at Dover, February 1, 1883.

CHAPTER 164.

OF RAILROADS.

A SUPPLEMENT to an act entitled "A supplement to an act to incorporate the Purchasers of the Wilmington and Western Railroad," passed March 1st, 1881. Laws of Delaware, Volume 16, Chapter 454.

Preamble.

WHEREAS the Delaware Western Railroad Company and the Baltimore and Philadelphia Railway Company, in pursuance of the act to which this is a supplement and of the laws of Pennsylvania, have been consolidated so as to form one corporation, known as the Baltimore and Philadelphia Railroad Company, as shown by the certified copy of the agreement of consolidation now on file in the office of the Secretary of State; and whereas by such consolidation said The Baltimore and Philadelphia Railroad Company has become entitled to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company; therefore

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring):

SECTION 1. That the said "The Baltimore and Philadelphia Railroad Company," being the corporation which has succeeded to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company, shall be and is hereby authorized to locate and construct its railroad or railroads, authorized by the first section of the act to which this is a supplement, within the town of Newark, on the route now located by said Delaware Western Railroad Company for said railroad within said town, instead of running within one-half a mile of said town on the north side thereof, as provided in said act. Authorized to change route of road

SECTION 2. The time for the completion of the extension or extensions of said railroad, as provided in the first section of said act, is hereby extended for a further period of ten (10) months beyond the date fixed by said first section. Time for completion extended.

SECTION 3. The president and directors of the said Baltimore and Philadelphia Railroad Company may, from time to time, borrow money and issue bonds, or other certificates or evidences of indebtedness, and secure the same by one or more mortgages or deeds of trust upon its railroad or branches, constructed and to be constructed, and upon the real, personal and mixed property owned, or to be thereafter acquired by said company, and the corporate rights, powers, privileges and franchises of said company, or upon any part or parts of said road, branches, property, or rights and franchises; and said president and directors may sell, or otherwise dispose of such bonds or certificates of indebtedness as they may deem necessary and proper for the corporate purposes of said company. Authorized to borrow money and issue bonds.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 26, 1883.

OF RAILROADS.

CHAPTER 165.

OF RAILROADS.

AN ACT to amend "An act to incorporate the Purchasers of the Wilmington and Reading Railroad," passed February the twenty-second, A. D. eighteen hundred and seventy-seven (Feb. 22, 1877.)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the General Assembly concurring):* That the Wilmington and Northern Railroad

May construct certain railroad

Location.

May locate and construct branch road.

May make railroad connections, lateral roads and side tracks.

Clothed with all necessary powers.

Proviso.

Location.

Company may, in addition to the powers heretofore granted, locate and construct a railroad not exceeding two and one-half ($2\frac{1}{2}$) miles in length from any point on its road between DuPont Station and Silverbrook Station, to a point not exceeding five hundred yards in distance from the new bridge over the Brandywine creek near the lower powder yard of E. I. DuPont, de Nemours and Company, and may also locate and construct a branch railroad from any point on the road hereby authorized to be built to the Henry Clay Factory, on the Brandywine creek, belonging to the said firm of E. I. DuPont, de Nemours and Company, and may make connection with the said railroads, and operate them, and may also make such lateral roads and side-tracks as may be required for the purposes aforesaid, and for these purposes the said the Wilmington and Northern Railroad Company is hereby invested and clothed with all the rights, powers, franchises and privileges granted by or contained in the acts heretofore passed in relation to the Wilmington and Brandywine Railroad Company, the Wilmington and Reading Railroad Company and the Wilmington and Northern Railroad Company; *provided*, that the said railroads, or any lateral road or side-track thereof hereby authorized to be constructed, be located, made and constructed so that the same or any part thereof shall not run or be laid within the distance of one-half mile from any powder mill, powder yard or magazine, or any building used for the making or storing of gunpowder, and which now or at the time of the location or construction of the said roads belongs to the firm of E. I. DuPont, de Nemours and Company without the written consent of the said firm of E. I. DuPont, de Nemours and Company being first had for that purpose.

OF RAILROADS.

SECTION 2. *And be it further enacted,* That the said the Wilmington and Northern Railroad Company may borrow money at a rate of interest not exceeding six per cent. per annum for the purpose of building the roads hereby authorized, and for that purpose may issue its bonds and may secure the payment of the said bonds by a mortgage of the said roads or either of them. May borrow money and issue bonds, to be secured by mortgage

SECTION 3. *And be it further enacted,* That nothing in this act contained shall be so construed as to impair, effect or restrict, or in anywise to deprive the Wilmington and Northern Railroad Company of any of the rights, powers, franchises or privileges granted to or conferred upon the said the Wilmington and Northern Railroad Company, or which the said company now has or enjoys by virtue of any act or acts of the General Assembly of this State heretofore passed. Rights, etc., of Wm. & N. R. R. Co. preserved.

Passed at Dover, February 26, 1883.

CHAPTER 166.

OF RAILROADS.

AN ACT to authorize "The Philadelphia, Wilmington and Baltimore Railroad Company" to widen and improve its lines of Railroad within this State.

WHEREAS the public interest demands that all reasonable, practicable precautions should be taken by railroad companies to secure the safe carriage of persons and property and for increasing the facilities and capacity for the transportation thereof; and whereas it will be conducive to such results if an additional track or tracks, and such additional sidings should be constructed at such points on the line of railroad of "The Philadelphia, Wilmington and Baltimore Railroad Company" as its board of directors may, from time to time, determine to be necessary and advisable; therefore Preamble.

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:

Lawful to
widen and
enlarge road
bed.

Proviso.

Width.

May acquire
land for this
purpose.
Proviso.

Mode.

SECTION 1. That it shall and may be lawful for the said "The Philadelphia, Wilmington and Baltimore Railroad Company" to widen and enlarge the road bed on the whole or any portion or portions of its line of railroad within this State, and the bridges, crossings, sidings and structures thereof or connected therewith, from time to time, whenever in the opinion of the board of directors it may be necessary so to do for the purposes stated in the preamble of this act, *provided* that such road bed shall not be widened by authority of this act to a greater extent at any point than will make the whole width of the same one hundred feet, and for such purpose to purchase, hold and use, or enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof or parties interested therein, the amount of such compensation to be ascertained either by agreement with the parties or in the mode hereinafter provided.

Condemna-
tion proceed-
ings.

Freeholders
to assess
damages.

Oath.

Notice.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials for the compensation for the damages done or likely to be done, or where by reason of the absence from the State or legal incapacity of any such owner or owners or parties interested therein no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party five days notice in writing of such application if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident in this State, five days notice, in writing, of the day and hour

OF RAILROADS.

when they will so meet thereon. And the said freeholders, after viewing the premises and fairly and impartially estimating and determining the amount of compensation which such owner or owners or other party in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing under their hands, or the hands of a majority of them, to the said court (if they were appointed by its order,) or to the said judge if acting under his appointment, showing the amount of compensation awarded by them to such owner or owners or other parties in interest for such land so to be taken by said company by authority of this act. And the said court at its then next term, or the said judge, shall either confirm the said return or, in a proper case, appoint five other freeholders with like powers. When such return shall have been confirmed by the said court or the said judge, then, upon the payment by the said company to such owner or owners or other parties in interest of the amount of compensation so awarded, either to them personally or into the said court for their use, or by depositing the same to their credit in the "National Bank of Delaware," at Wilmington, the title to the land and premises mentioned and described in said report shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge as aforesaid shall be filed in the office of the Prothonotary of the Superior Court in and for New Castle county, and shall become and be record thereof as fully as if such returns had been made to and been confirmed by said court.

Report of
freeholders.Duty of
court upon
return made.Confirma-
tion.On paying
or depositing
damages,
land vests in
company.Returns.
Where filed.

SECTION 3. That it shall be lawful for the said company from time to time, as its board of directors may deem expedient, to lay out, construct, maintain and operate within this State branches from any of its lines of road now established, not exceeding eight miles in length, with full power to purchase, hold and use, or enter upon, take and appropriate such land and materials as may be necessary for the construction and maintenance of the same, and with power to acquire title thereto in the same manner and by the like proceedings as are set forth and prescribed in Section 2 of this act; *provided* that the powers by this section conferred shall not be so construed as to authorize the bridging of the Christiana river at any point east of the present bridge of the Delaware Western Railroad Company, and at no more than one point west thereof, and that no branch under authority of this section shall be so constructed as to prevent the navigation of

May lay out
and con-
struct
branch roadsAcquire land
and title
thereto.
ProceedingsProvidso.
Prohibitions

OF RAILROADS.

Further
proviso.
Location.

Naaman's creek, or to obstruct the free use of the public landing thereon near the village of Claymont; *and provided further*, that any branch constructed pursuant to the provisions of this section shall not be located within the distance of a half-mile of any powder mill, powder yard or powder magazine existing at the time of such construction.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, February 27, 1883.

CHAPTER 167.

OF RAILROADS.

AN ACT to enable "The Philadelphia, Wilmington and Baltimore Railroad Company" to construct a certain Branch Railroad, and for other purposes.

Preamble.

WHEREAS a line of railroad has been projected and is now under construction through the eastern shore counties of Virginia which, when completed, will afford an outlet for the products of that section to market over the lines of the "Delaware" and "Philadelphia, Wilmington and Baltimore Railroad Companies;" and whereas delays are occasioned in the transit of fruit, market and freight trains through the City of Wilmington; and whereas it is highly important that fruits and perishable freights should be transported to the principal markets and distributing points of the country with quick dispatch and all unnecessary delays be avoided; and whereas the present route can be materially shortened, and the transportation of through fruit, market and freight trains from the Peninsula can be greatly expedited by the construction of the branch by this act authorized, and thereby the public streets of the City of Wilmington would be relieved of a large number of freight trains during the fruit season; and whereas, also, it would greatly promote the agricultural interests of the Peninsula if additional facilities were provided for marketing the grain produced thereon by the erection of a large grain elevator at some accessible point whence the same could be readily forwarded to any market; therefore

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:

SECTION 1. That it shall and may be lawful for "The Philadelphia, Wilmington and Baltimore Railroad Company," and it is hereby authorized and empowered to locate, construct, maintain and operate a branch railroad, of one or more tracks, extending from a point on the line of its Delaware Division near "State Road Station" in a northeasterly direction, by the most available route, and crossing the Christina river between its mouth and the mouth of Brandywine creek to a point on its main line near the point where such main line crosses the Shellpot creek, and for that purpose to purchase, hold and use, or enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land or materials it shall make ample compensation to the owner or owners thereof, or parties interested therein; the amount of such compensation to be ascertained either by agreement with the parties or in the mode hereinafter provided.

Authorized to locate, etc., branch railroad.
Termini.
May acquire land.
Mode.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials as to the compensation [for the damages] done or likely to be done, or when by reason of the absence from the State or legal incapacity of any such owner or owners or parties interested therein, no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party, if within the State, five days notice in writing of such application, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident of the State, five days notice, in writing, of the day and hour when they will so meet thereon; and the said freeholders, after viewing the premises

Condemnation proceedings.
Freeholders to assess damages.
Oath.
Notice.

OF RAILROADS.

and fairly and impartially estimating and determining the amount of compensation which such owner or owners, or other party in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing, under their hands, or the hands of a majority of them, to the said court, (if they were appointed by its order,) or to the said judge, if acting under his appointment, showing the amount of compensation by them awarded to such owner or owners, or other parties in interest, as the value of such lands so taken by the said company by authority of this act; and the said court, or the said judge, shall either confirm the said return, or in a proper case appoint five other freeholders with like power. When any such return shall have been confirmed, then upon the payment by the said company of the amount of compensation thereby awarded, either directly to the parties in interest, or into the said court for their use, or by depositing the same to their credit in the National Bank of Delaware at Wilmington; the title to the land and materials mentioned and described in said return shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge as aforesaid shall be filed in the office of the Prothonotary of the Superior Court in and for the said County of New Castle, and shall become and be records thereof as fully as if such returns had been made to and confirmed by said court.

Report of
freeholders.

Duty of
court upon
return made.
Confirmation.
On paying
or depositing
damages,
land vests in
company.

Returns.
Where filed.

Drawbridge
across Chris-
tiana River.

SECTION 3. That in constructing its road authorized by this act across the Christiana river, the said "The Philadelphia, Wilmington and Baltimore Railroad Company" is hereby required to erect and maintain a draw or pivot bridge at the crossing of said stream which shall afford a passage for vessels of not less than one hundred feet in width, and shall also provide, at its own cost and expense, at all times, proper attendance upon said bridge, as is customary in such cases; and the said bridge shall be so erected and constructed as to impede as little as possible the free navigation of the Christiana river, and shall not be located within a distance of three hundred yards from the mouth of said river.

Width.

Costs.

Free naviga-
tion.

Location.

Not allowed
to use streets
of New
Castle.

Exception.

SECTION 4. That nothing herein contained shall be so construed as to authorize the location of the railroad to be constructed under its provisions along any public street of the City of New Castle without the permission of the City Council of said city.

OF RAILROADS.

SECTION 5. That the said company be and it is also hereby authorized to erect, maintain and operate a grain elevator at some convenient point on the front of the River Delaware, in or near the said City of New Castle, and to connect the said elevator with its present line of railroad and the railroad to be constructed by authority of this act by a branch track or tracks, with power to acquire title to land and materials for the purpose of such elevator and the location and construction of such branch track or tracks by the like proceedings, in the same manner, and with like effect as is hereinbefore provided with relation to the branch railroad authorized by Section 1 of this act; *provided, however*, that no such branch track shall be located and constructed along any public street of said City of New Castle without the permission of said City Council first obtained.

Grain elevator.

Railroad connections.

For this purpose may acquire land.

Mode.

Proviso.

SECTION 6. That the said "The Philadelphia, Wilmington and Baltimore Railroad Company" may borrow money for the purpose of building the railroad and grain elevator by this act authorized, and may mortgage such railroad and its franchises, and also such grain elevator and the premises whereon the same shall be erected, for the purpose of securing the money so borrowed.

May borrow money.

Secured by mortgage.

SECTION 7. That the branch line of railroad authorized by Section 1 of this act shall be located within three months, the work of construction shall be actually and bona fide commenced within six months, and the same shall be wholly constructed and put in operation within fifteen months from and after the passage of this act, or all the rights, powers, franchises and privileges by this act conferred shall cease, determine and become null and void; *provided, however*, that if the said company shall be hindered or delayed in the work of location and construction by reason of litigation in any form, or by the appointment of second commissioners to assess compensation for rights of way, the time consumed by such delays shall not be computed as within the periods aforesaid, but equivalent additional time shall in such case be allowed the said company in which to complete the said work.

When road completed.

Failure. Forfeiture of rights, etc.

Proviso.

SECTION 8. That nothing in this act contained shall be so construed as to affect, alter, impair, or restrict the exercise by the said company of any of its rights, powers, franchises, or privileges which it now has or is possessed of under or by virtue of any act of the General Assembly of this State.

Existing rights preserved.

OF RAILROADS.

Revocation. SECTION 9. That this act shall be deemed and taken to be a public act, and in case the said company shall hereafter misuse or abuse the privileges hereby granted, and shall be lawfully convicted of such misuse or abuse, the Legislature shall have power to revoke this act and to resume the rights and privileges hereby granted.

Passed at Dover, February 27, 1883.

CHAPTER 168.

OF RAILROADS.

A Further Additional Supplement to the act entitled "An act to incorporate the Delaware Railroad Company."

Be it enacted by the Senate and House of Representatives in General Assembly met, (two-thirds of each branch of the Legislature concurring), as follows:

Supplement
to Chapter
11, Volume 9

Authorized
to locate
branch road.

Location.

Termini.

May acquire
land.

How.

SECTION 1. That it shall and may be lawful for the corporation created by the act to which this is a supplement, to locate, construct, maintain and operate a branch railroad of one or more tracks, commencing at some point on its main line not more than three miles north of Clayton Station and running thence towards the town of Smyrna, and passing through or near the edge of the said town and on either side thereof, and connecting with its main line of railroad at some point not more than three miles south of said Clayton Station, and for that purpose to purchase, hold and use, take and appropriate such land and materials as may be necessary for the location and construction of said branch in the same manner, by the like proceedings, and subject to the same conditions and restrictions as are provided by the act to which this is a supplement and the several acts amendatory thereof and supplemental thereto.

SECTION 2. That nothing in this act contained shall be so construed as in any wise to limit, restrict or impair any of the rights, powers and privileges which the said company is possessed of under any act of the General Assembly of this State.

OF RAILROADS.

SECTION 3. That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 9, 1883.

CHAPTER 169.

OF RAILROADS.

AN ACT to amend the act entitled "An act to incorporate the Sussex Midland Railroad Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):

SECTION 1. That in order to enable the Sussex Midland Railroad Company, a corporation duly incorporated under the laws of this State, March 26th, 1875, to carry out the purposes for which it was organized, the said company is hereby authorized and empowered to cross the tracks of any and all other railroad companies lying between its termini and which the line of its road may cross except the Junction and Breakwater Railroad tracks. Such crossing to be either at grade or over such track or tracks by substantial bridging or trestleing, or under the same by substantial tunnels, or other proper work or works for the purpose, as may be determined upon by the president and directors of the said Sussex Midland Railroad Company. And if the president and directors shall not be able to agree with any other railroad company whose track or tracks shall be crossed as aforesaid as to the amount of compensation or damages to be paid for the easement of such crossing, then the said Sussex Midland Railroad Company shall have the right to condemn said easement in accordance with Section 4 of the original act incorporating the Sussex Midland Railroad Company, passed March 26, 1875.

Chapter 146,
Volume 15,
amended.

Authorized
to cross cer-
tain railroad
tracks.
Exception.

Compensa-
tion.
Condemna-
tion proceed-
ings.

SECTION 2. *And be it further enacted,* That the said Sussex Midland Railroad Company shall have full power to unite, connect and consolidate with any railroad company or companies either in or out of this State, so that the capital stock

Consolida-
tion author-
ized.

OF RAILROADS.

of said companies so united, connected and consolidated, respectively, shall constitute a common stock, and the respective companies shall thereafter constitute one company and be entitled to all the rights, privileges and immunities which each of them possess, have and enjoy under and by virtue of their respective charters, three-fourths of the stockholders having authorized or ratified said consolidation.

Proviso. *Provided further*, that the shares of the capital stock of said company shall be one hundred dollars each, instead of twenty-five dollars, and that the said railroad shall be constructed through or within one-half of a mile of Bridgeville, instead of from some point near said town, and that it shall be constructed in an easterly direction from said Bridgeville to Georgetown, or within one-half of a mile of said town, instead of to some point between said Georgetown and Ellendale, as provided in the act incorporating said Sussex Midland Railroad Company.

Termini. *Provided further*, that the said powers, rights and privileges granted and conferred by this act and also by the act to which this act is an amendment, shall become null and void unless said railroad shall be commenced within one year, and completed, with at least one set of tracks, within three years from the date of the passage of this act; but if any attempt be made to hinder or delay the construction of said railroad by litigation, the time occupied thereby shall not be estimated in the said period.

Proviso. *And provided further* that the said the Sussex Midland Railroad Company be and the said company is hereby required to fence and maintain on both sides of said road with a legal fence on the whole line of their said road in this State.

Limitation.

Further proviso.

Fences.

Power to lease.

SECTION 3. And the said Sussex Midland Railroad Company shall have power to contract with or to lease and operate any railroad or railroads, steamboat or steamship line, either in or out of this State, for the purpose of carrying on its business. *And provided further* that said railroad shall be constructed, maintained and operated in all respects in accordance with the act of March 26, 1875, incorporating said Sussex Midland Railroad Company.

Passed at Dover, March 16, 1883.

OF RAILROADS.

CHAPTER 170.

OF RAILROADS.

A Further Supplement to an act entitled "An act to incorporate the Wilmington City Railway Company," passed at Dover, February 4, 1864.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the Wilmington City Railway Company be and they are hereby authorized to borrow money to an amount not exceeding fifty thousand dollars, in addition to the amount which it is now by law authorized to borrow, and to secure the payment of the same by issuing its bonds and by mortgage of its railway franchises and property, real and personal.

Authorized to borrow not exceeding \$50,000 in addition.
Payment secured by bonds and mortgage.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April, 5, 1883.

CHAPTER 171.

OF RAILROADS.

AN ACT to authorize "The Wilmington and Northern Railroad Company" to Widen and Improve its lines of Railroad within this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That it shall and may be lawful for the said "The Wilmington and Northern Railroad Company" to widen and enlarge the road-bed on the whole or any portion or portions of its line of railroad within this State, and the bridges, crossings, sidings and structures thereof or connected therewith, from time to time, whenever in the opinion of the board of directors it may be necessary so to do; *provided* that such road-bed shall not be widened by authority of this act to

Authorized to widen and enlarge road bed, etc.
Proviso.

OF RAILROADS.

May acquire
land.
Proviso.

Compensa-
tion to
owners.

a greater extent at any point than will make the whole width of the same one hundred feet, and for such purpose to purchase, hold and use, to enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof or parties interested therein; the amount of such compensation to be ascertained either by agreement with the parties or in the mode hereinafter provided.

Condemna-
tion proceed-
ings.

Freeholders
appointed.

Sworn.

Meeting of
freeholders.

Notice.

Return.

Duty of
court upon
return made.

Confirma-
tion.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials for the compensation for the damages done or likely to be done, or where by reason of the absence from the State, or legal incapacity of any such owner or owners or parties interested therein no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party five days notice, in writing, of such application, if within the State. And the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident in this State, five days notice, in writing, of the day and hour when they will so meet thereon; and the said freeholders, after viewing the premises and fairly and impartially estimating and determining the amount of compensation which such owner or owners or other parties in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing, under their hands, or the hands of a majority of them, to the said court, (if they were appointed by its order,) or to the said judge if acting under his appointment, showing the amount of compensation awarded by them to such owner or owners or other parties in interest for such land so to be taken by said company by authority of this act. And the said court, at its then next term, or the the said judge, shall either confirm the said return, or in a proper case appoint five other freeholders with like powers. When such return shall have been confirmed by the said court or the said judge,

OF RAILROADS.

then, upon the payment by the said company to such owner or owners, or other parties in interest, of the amount of compensation so awarded, either to them personally, or into the said court for their use, or by depositing the same to their credit in the "National Bank of Delaware" at Wilmington, the title to the land and premises mentioned and described in said report shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge, as aforesaid, shall be filed in the office of the Prothonotary of the Superior Court in and for New Castle county and shall become and be records thereof as fully as if such returns had been made to and been confirmed by said court.

On paying
or deposit-
ing damages
land vests in
company.

Returns.
Where filed.

SECTION 3. That it shall be lawful for the said company, from time to time, as its board of directors may deem expedient, to lay out, construct, maintain and operate, within this State, branches from any of its lines of road now established, not exceeding eight miles in length, with full power to purchase, hold and use, or enter upon, take and appropriate such land and materials as may be necessary for the construction and maintenance of the same, and with power to acquire title thereto in the same manner and by the like proceedings as are set forth and prescribed in Section 2d of this act; *provided* that the powers by this section conferred shall not be so construed as to authorize the bridging of the Christiana river, nor shall any part of this act be construed so as to allow the said "Wilmington and Northern Railroad Company" to build any of its branches on either side of the Christiana river within a distance of four hundred feet, unless a special agreement is made with the owners of the lands thereon through which said branch or branches may pass; and that no branch under authority of this section shall be so constructed as to prevent the navigation of any stream, or to obstruct the free use of any landing thereon; *and provided further* that any branch constructed pursuant to the provisions of this section shall not be located within the distance of a half mile of any powder mill, powder yard, or powder magazine, existing at the time of such construction, without the written consent of the owner of such powder mill, powder yard, or powder magazine.

May con-
struct
branches.

Acquire land

How.

Proviso.

Not allowed
to bridge the
Christiana
River, or
construct
branches of
road on
either side,
within cer-
tain distance
unless by
agreement.

Restrictions
as to location
near powder
mills, etc.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1883.

OF RAILROADS.

CHAPTER 172.

OF RAILROADS.

AN ACT to incorporate the Wilmington and Brandywine Passenger Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) :

Commissioners.

Duties.

Books of subscription.

Amount paid at time of subscription.

When subscription closed.

Meeting of subscribers. Time and place. Notice. Election of officers. Quorum.

Vacancies. How filled.

Amount subscribed paid to treasurer.

Incorporated. When.

SECTION 1. That John G. Baker, Joseph Tatnall, Isaac S. Elliot, Preston Lea, Jacob Pusey, Evans Pennington, T. Allen Hilles, James C. Pickles, George W. Talley and George A. Elliott be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the corporation hereinafter created. The subscriptions to said capital may be made either in person or by attorney. Five per centum upon the amount of stock subscribed shall be paid to the commissioners at the time of subscription. As soon as subscriptions shall have been made to the amount of twenty-five thousand dollars and the five per centum thereon paid as aforesaid, the subscription shall be closed, and the commissioners shall call a meeting of the subscribers, to be held in the City of Wilmington, upon ten day's notice thereof, published in two newspapers of said city, for the purpose of organizing the company by the election of officers. A majority of said commissioners shall form a quorum for the transaction of any business, and a majority of those present at a meeting may determine any question. If any commissioner before named shall decline to perform the duties herein prescribed, the remaining commissioners may, if they deem it expedient, appoint another person to act in his place. Upon the organization of the company the commissioners shall pay to the treasurer of the corporation the five per centum received by them, first deducting expenses actually incurred.

SECTION 2. That as soon as twenty-five thousand dollars of capital stock shall have been subscribed and the five per centum thereon paid as aforesaid, the subscribers, and their successors, shall become and they are hereby declared to be a

OF RAILROADS.

body corporate, under the name of "The Wilmington and Brandywine Passenger Railway Company," and by that name shall have succession, with power to sue and be sued, to plead and be impleaded in all courts of law and equity, to purchase, take and hold, grant, sell and dispose of lands, tenements, hereditaments, goods, chattels and effects, to have and use a common seal and the same to alter and renew at pleasure, to ordain by-laws for the corporation consistent with the constitution and laws of the United States and of this State, and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers. The said corporation shall have power to borrow money to such an amount that its indebtedness, secured by bond and mortgage, shall not, at any time, exceed three-fourths of the amount of its capital stock for the time being, and to secure the payment of the same by issuing its bonds, and by mortgage of the said railway and of all the estate, real or personal, of the said corporation, together with all corporate rights and franchises held by it under this act or any supplement thereto.

Name.

Powers.

May borrow money to a certain amount, and secure loan by bond and mortgage.

SECTION 3. The capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each. *Provided* that the said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock to any amount, so that it shall not, at any time, exceed one hundred thousand dollars; and *provided also* that any indebtedness of the company, secured by bond and mortgage, may be made convertible into capital stock under such regulations as the board of directors shall for that purpose prescribe. Shares of stock shall be personal estate. Certificates of stock, signed by the president and secretary, and sealed with the corporate seal, shall be delivered to each person for such share or shares of stock as by him or her are owned; which certificates of stock shall be assignable, in person, or by attorney duly authorized, in the presence of the treasurer or secretary, in a book to be kept by the corporation for that purpose.

Capital stock, \$50,000. Shares. How divided

Stock increased not exceeding \$100,000. *Provido.* Indebtedness convertible into stock. Personal property. Certificates of stock.

Assignable. How.

SECTION 4. The stockholders, at their first meeting to be called by the commissioners, as before provided, and at each annual meeting thereafter, to be held upon such day in each year as the by-laws may appoint, shall elect, by ballot and by a majority of votes, seven directors, who shall be stockholders, to continue in office until the next annual meeting after their

Election of seven directors.

OF RAILROADS.

election and until successors, duly chosen, enter. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors. At all elections, and in determining all questions at stockholders' meetings; each stockholder shall be entitled to cast as many votes as he or she shall hold shares of stock. *Provided that* after the organization of the company a stockholder shall be entitled to vote only with respect to stock which shall have been held by him or her for at least thirty days before the day of the voting; *and provided also* that no one stockholder shall cast votes for more than three-eighths of the whole number of shares of the capital stock for the time being. Votes may be cast either in person or by proxy, and a majority of the votes cast shall determine any question. Special meetings of the stockholders may be called as the by-laws shall direct.

SECTION 5. The affairs and business of the corporation shall be managed by the directors, four of whom shall constitute a quorum, and a majority of those present at any meeting shall determine any question. They shall elect one of their number president, and may appoint a secretary and treasurer, and employ such other officers, agents and servants as they may deem necessary; may fix the compensation of such officers, agents and servants, and take security by bond or otherwise for the faithful performance of their duties; they shall have power to make by-laws, rules and regulations for the government of the corporation, subject, however, to repeal or amendment by the stockholders at an annual meeting; they may call for the payment of the stock subscribed at such times and in such installments as they shall deem expedient, giving suitable notice of such call, by advertisement or otherwise, for at least two weeks. The directors shall declare dividends of so much of the net profits of the company as they shall deem expedient; *provided* that no dividends shall be made except out of the net profits of the company.

SECTION 6. If any subscriber to or holder of the stock shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her for thirty days after the time appoined for the payment thereof, (public notice of such call having been given as before provided) the directors may either declare such stock forfeited, and sell the same for the benefit of the corporation, or may, in the name of the corporation, sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and

Corporation
not dissolved
by failure to
elect.

Qualifica-
tion of voters

Proviso.

Further
qualifica-
tion.

Special
meetings.

Quorum.

Officers
chosen.

Compensa-
tion.

By-Laws.

Installments
Notice of
call.

Dividends.

Proviso.

In case of
failure to
pay sub-
scriptions.

Power of
directors.

OF RAILROADS.

interest thereon, and no holder of such stock shall, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock.

When subscriber not allowed to vote or receive dividends.

SECTION 7. It shall be the business of the said corporation to locate, construct, operate and maintain a city railway for the carriage of passengers and freight for compensation, within the City of Wilmington, with the privilege also of extending such railway to any place or places outside of the city, not more than three miles distant from the city limits. The said railway shall commence at a point on French street opposite the station of the Philadelphia, Wilmington and Baltimore Railroad Company, between Front and Water streets, and shall extend northeasterly along French street to Sixteenth street, and thence along Sixteenth street and Market street, (crossing the bridge over the Brandywine creek at Market street) to a point at or near Riverview Cemetery on the Wilmington and Philadelphia Turnpike, or to such other place or places as the directors may select, not being more than three miles distant from the city limits. The railway, or any part of the same to be constructed under this section, may be laid with either a single or double track, or at any time altered from the one to the other, as the directors shall deem expedient, and with all sidings, turn-outs, switches and connections necessary for the proper working of said railway, and for locating, constructing, operating and maintaining the said railway. The company shall have power to use and occupy so much of any street, avenue, highway or turnpike within said city as may be necessary. *Provided* that said railway shall be conformed as near as may be to the grades which now are or hereafter may be established for any streets over which the same shall be located, and shall not interfere with the proper and free access to the culverts, water and gas pipes in said city. *And provided also* that steam power shall not be used to propel the cars of the said company, unless with the consent of the City Council of Wilmington. The said railway may cross any track of any railroad company now incorporated or hereafter to be incorporated; *provided* that it conform to the grade of the track to be crossed.

May operate a city railway in Wilmington. Privileges.

Termini of railway.

Single or double track with sidings, etc.

Right to use of streets, etc.

Proviso. Must conform to grades of streets.

Steam power forbidden.

Crossings.

May lay tracks over road of the Wilmington and Philadelphia Turnpike Company.

SECTION 8. The said Wilmington and Brandywine Passenger Railway Company shall have the right to lay their tracks over the road of the Wilmington and Philadelphia

OF RAILROADS.

Turnpike Company, both within and without the city limits; the consent of said company being first had and obtained. *Provided* that the said railway shall pay an equitable compensation for such privilege.

Consent.

Proviso.

Compensation.

Willful injury to railroad.

Civil action for double damages.

Misdemeanor. Fine.

SECTION 9. If any person or persons shall willfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, such person or persons shall be liable to the company in a civil suit or action for double the amount of the damages sustained, and shall, moreover, be guilty of a misdemeanor, and on indictment and conviction thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

State tax to be paid. When. How.

SECTION 10. When the receipts of said company shall amount to such sum as shall warrant the declaration of dividends amounting to six per cent. in any one year, the said company shall pay to the State Treasurer, for the use of the State, a tax of one-quarter of one per cent. on the capital stock, and shall pay a tax of one-half of one per cent. when such dividends shall amount to a sum equal to ten per cent. in any one year, and said company shall be exempt from all taxation other than that imposed by this section, except the taxes levied by the City of Wilmington.

Exemption from taxation. Exception.

Charter perpetual.

Revocable.

SECTION 11. This act shall be deemed and taken to be a public act, and this charter shall be deemed and held to be perpetual, subject nevertheless to be revoked by the Legislature at any time.

Consent of City Council must be obtained before building road.

Time of completion, Dec. 1, 1884.

SECTION 12. It shall not be lawful for the said company to commence the building of the said railway without the consent of the City Council of Wilmington first had and obtained, and said railway must be completed and in running order before the first day of December, 1884, otherwise this act and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Gauge, width and material. Duties of company.

Proviso.

SECTION 13. The gauge of said railway shall be five feet two inches; it shall be laid with what is known as "flat rail." And the said company shall, within the limits of the city, be required to pave within the rails of their track and for the distance of three feet on each side thereof, and to keep the said pavements in good repair; *provided, however*, that the

OF CHARITABLE INSTITUTIONS.

City Council of Wilmington may, in its discretion, permit the said company, for a term not exceeding five years, to leave unpaved such portions of said railway, in the rural or unimproved parts of said city, as may be specially designated and exempted by ordinance of said City Council.

SECTION 14. Should it be found desirable, it shall and may be lawful for the said company, with the consent of the said City Council, to build the said railway on Walnut street, in lieu of French street, beginning in Water street on the north side of the Philadelphia, Wilmington and Baltimore Railroad station, and continuing to and out said Walnut street to Sixteenth street, and thence to the bridge before named.

With consent of Council, road may be constructed on other streets.

Passed at Dover, April 11, 1883.

CHAPTER 173.

OF CHARITABLE INSTITUTIONS.

AN ACT to re-enact the act entitled "An act to incorporate 'The Trustees of the Home for Friendless and Destitute Children,' in the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the act entitled "An act to incorporate 'The Trustees of the Home for Friendless and Destitute Children' in the City of Wilmington," passed at Dover, March 13th, 1863, and the several supplements thereto, be and the same are hereby re-enacted, and the corporation thereby created shall have succession for the further term of twenty years from the passage of this act.

Corporate existence extended for 20 years.

Passed at Dover, January 30, 1883.

OF IMMIGRATION COMPANIES.

CHAPTER 174.

OF CEMETERY COMPANIES.

AN ACT to repeal Chapter 478, Volume 16, of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 478,
Volume 16,
repealed.

SECTION I. That Chapter 478, Volume 16, of the Laws of Delaware, be and the same is hereby repealed, made null and void.

Passed at Dover, April 4, 1883.

CHAPTER 175.

OF IMMIGRATION COMPANIES.

AN ACT to incorporate the Delaware Immigration and Land Company of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Object. SECTION I. That for the purpose of introducing* immigrants to engage in the various occupations of labor in
Corporators. Delaware, James L. Heverin, Cody Anfenger, Antony Hauber, Henry Feltmeir, Francis Scheu, Albert N. Sutton, J. Thomas Budd, Charles B. Houston, Alfred H. Cahall, Simeon Pennewill, John H. Paynter, together with such other persons as may become associated, their associates and successors, be and they are hereby created a corporation by the name of the Delaware Immigration and Land Company, and by that
Powers. name may sue and be sued, plead and be impleaded in all courts of law and equity in this State; to make and have a common seal, and to alter and amend the same at pleasure; to ordain and establish such by-laws, ordinances and regulations, and generally to do every act and thing necessary to

*So enrolled, and in original bill.

OF IMMIGRATION COMPANIES.

carry into effect this act or to promote the object and design of this corporation, not inconsistent with the laws of this State or the United States.

SECTION 2. The capital stock of the corporation shall be not less than twenty-five thousand dollars nor more than one hundred thousand dollars, in shares of fifty dollars each; it may hold real estate to any amount not exceeding at any one time two thousand acres; it shall have all necessary power for establishing and maintaining such lines of steamships or other vessels, and may deal in foreign exchange to such extent as may be requisite and proper to promote its general purposes under this act. Its principal office shall be at such place as the corporation may direct within the State of Delaware.

SECTION 3. Any five or more of the corporators aforementioned shall, so soon as the minimum of the stock is subscribed, act as commissioners to organize the company in pursuance of the provisions of this act.

SECTION 4. This act shall be deemed and taken to be a public act, and the power to revoke or alter the same is hereby reserved to the Legislature.

SECTION 5. That no officer, director or stockholder of this corporation shall be eligible to the appointment of Immigrant Commissioner of this State.

Passed at Dover, April 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 176.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Seaford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Limits of the
Town of
Seaford.

Plot and
resurvey.

Where
recorded.

Evidence.

SECTION 1. That the limits, streets, alleys, lanes and sidewalks of the town of Seaford in Sussex county, shall be and they are hereby declared to be the same as surveyed, located and established by the commissioners under the act entitled "An act for the establishing the boundaries of the limits, streets, alleys, lanes and sidewalks of the said town of Seaford, and for other purposes therein mentioned," passed at Dover, March 15th, 1865. The Council of the Town of Seaford may, at any time hereafter, cause a resurvey and plot to be made of the said town, and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex county, and shall be evidence in all courts of law and equity in the State.

Council.
How com-
posed.

President.

Term of his
office.

Term of
office of
councilmen.
Election.

When and
where held.

SECTION 2. There shall be a Council of the Town of Seaford, to be composed of seven members, one of whom shall, by said council, be elected President of said Council for the term of one year and until his successor shall be elected. The councilmen now constituting the town council, to wit: John H. Cottingham, Jno. W. Phillips and James B. Morrow, shall continue in office until the first Monday in March, 1884, and until their successors shall be duly elected and qualified. On the first Monday in March, 1883, there shall four councilmen be elected to serve for two years, and on the first Monday in March annually thereafter there shall be held an election in the Town Hall, or at such other place as the town council shall designate in the town of Seaford, for three, or four, councilmen of the said town of Seaford, to succeed those whose term of office will expire. The councilmen shall be elected for two years and until their successors shall be duly elected, and the President of the Council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman, or the president, may be re-elected. The councilmen shall be resident freeholders of the

OF CITIES AND TOWNS.

town of Seaford, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall have paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes shall be elected. The election shall be held by the alderman and two of the members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies until the next regular election, when the vacancy shall be filled for the unexpired term.

Qualifica-
tion of
councilmen.Opening and
closing of
elections.Who entitled
to vote.Counting of
votes.By whom
elections
shall be held

Ballots.

Inspection
of tickets.Who shall
decide when
tie.Certificates
of election
Notice of
meeting.Councilmen
sworn.Vacancies.
How filled.

OF CITIES AND TOWNS.

Election of Alderman.	SECTION 3. The town council, at their first stated meeting after each annual election, or as soon thereafter as practicable, shall proceed to elect, by ballot, some suitable person, resident in said town, to be Alderman of the town of Seaford, who may or may not be a justice of the peace resident in
Term of his office.	said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject, however, to be
Removal.	removed from office at any time by a vote of two-thirds of all the members comprising the town council. Before entering
Oath of office.	upon the duties of his office he shall be sworn or affirmed by the President of the Town Council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws
His duties and powers.	enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State or of any ordinance that the said town council may legally make and establish; he shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said town, so far as to arrest and hold for bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or default of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; <i>provided</i> that he shall not impose any fine exceeding twenty-five dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs.
Proviso.	His fees for any service under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council.
Fees.	If any vacancy shall occur in the office of alderman of the town of Seaford by death, resignation, removal from office or otherwise, such vacancy may be filled by the town council at any meeting thereafter for the residue of the term. If any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his
Vacancies in alderman's office how filled.	
His duties concerning successor.	

OF CITIES AND TOWNS.

hands belonging to the town within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Penalty for neglect of such duty.

Misdemeanor and fine.

SECTION 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him since their last meeting, and pay to the treasurer of the town of Seaford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Monthly report of alderman.

SECTION 5. The President of Council shall preside at all meetings of the council, appoint all committees, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Seaford, which by Section 1, Chapter 51 of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Duties of president of council.

SECTION 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of The Town of Seaford, and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands,

Incorporated.

Powers.

Name.

OF CITIES AND TOWNS.

Power to hold real estate.

Superintendence of streets.

Appropriation by Levy Court for use of streets.

Location of new streets, etc.

Reopening old streets, etc.

Compensation for damages.
By whom and how paid.

Notice to owners of real estate.

Notice to tenant, how given.

tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be open within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex county, but the said Levy Court shall annually appropriate for the repairs of said roads and streets a sum of money not less than three hundred and fifty dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Seaford for the use of said town.

SECTION 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

SECTION 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in

OF CITIES AND TOWNS.

said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the president of said council. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten day's notice to said president of council, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex county, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said associate judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Seaford and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the associate judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the cost of the appeal

Appointment
of
commission.

Qualifica-
tion of com-
missioners.

Freeholders
sworn.

Assessment
of damages.
Return of
freeholders.

Power to fill
vacancies.

Payment of
damages.

When de-
posited in
bank.

By whom
costs of ap-
peal shall be
paid.

OF CITIES AND TOWNS.

Fees of
freeholders.

shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the cost. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the cost only, may abandon the proposed improvements.

Prosecution
of improve-
ments.Nuisances,
diseases, etc.Extent of
jurisdiction.
Ordinances
defining,
and for the
removal of
nuisances.
Boundaries.Grades of
streets, etc.Paving and
graveling.Storage of
gunpowder,
etc.Breadth of
footways.Changing of
grade.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to protect shade trees planted along any streets, lanes or alleys within the town limits; to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, cutting or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances

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in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and shall impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs, and on refusal to register or pay tax may kill them; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this act.

Ordinances
in relation to
dogs.

Fines for
enforcement
of ordi-
nances.

Surveys and
plots.

SECTION 10. Whenever the said town council shall have determined that any paving, curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the Town of Seaford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said Town of Seaford, such bill may be sent by mail to such owner or owners, directed to him or them at the postoffice nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the Town of Seaford, under the hand of the President of the Town Council and seal of the said corporation, directed to the Treasurer of the Town of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the Treasurer of the Town of Seaford, as soon as convenient

Owners of
real estate
notified.

Penalty for
failure to
comply with
notice.

Warrant for
collection of
costs upon
non-pay-
ment.
How issued.

OF CITIES AND TOWNS.

To whom delivered.	after the said warrant shall be delivered to him, and after ten day's notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the Town of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Treasurer of the said Town of Seaford, after ten day's notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Seaford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Seaford, of if there be no newspaper printed in the said Town of Seaford, then in a newspaper printed anywhere in Sussex county, to sell the lands and tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the Treasurer of the said Town of Seaford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of the said town, from the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and
Duty of treasurer as to sale. Amount necessary.	
When lands shall be sold.	
Notice, time and place of sale.	
Deed.	
Title.	
Claim for paving, etc.	
Costs, by whom, and how paid.	
Deposit of residue.	
Fees of treasurer.	
What costs shall include	

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for advertising, all of which shall be part of the cost to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier, or tenant, shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the council of the said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

Notice,
when served
on tenant.

When
mailed.

To what
foregoing
provisions
apply.

Powers of
Council.

SECTION 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be six stated meetings in every year of the said council, to wit: on the second Tuesday in March, May, July, September, November and January. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Further
powers.

Stated meet-
ings, time of

Powers.

Commit-
ment for
non-pay-
ment of fines

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed if it shall be deemed necessary to make such appointments.

Constables.

Removal.

OF CITIES AND TOWNS.

Annual
statements.Accounts
submitted to
voters.Fees of
councilmen.Council to
make ordi-
nances con-
cerning
streets.Fine for
violation.How
recovered.Jail to be
used by
town
council.Duty of
keeper of
jail.Power of
council to
make im-
provements.A majority
necessary to
make acts
legal.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town it shall be the duty of said council to submit their book of accounts, containing the amounts received and paid out during each year, to the voters of said town, at the annual election, for their inspection. The said councilmen shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions in and upon the public squares, or any of said streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Seaford, before the alderman of said town, or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Sussex county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

SECTION 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of

OF CITIES AND TOWNS.

the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the council shall constitute a quorum for the transaction of business.

Vacancies.
How filled.

SECTION 17. It shall be the duty of the alderman of said town, and council of said town, and of the constables of Sussex county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the alderman of said town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons

Duty of
town officers

Duty of
alderman.

Fine and im-
prisonment.

Alderman's
duty to issue
warrant.
When.

Constable to
arrest
drunken or
disorderly
persons

Sentence.

Proceedings

OF CITIES AND TOWNS.

Fees.

brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all persons committed to jail for violation of the charter or by-laws of the Town of Seaford.

Proviso.
Town to pay
board of
prisoners.

Fireworks,
etc., pro-
hibited.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Fines.

Nuisances
and obstruc-
tions abated
and removed.

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be

Notice.
By whom
given.

OF CITIES AND TOWNS.

removed or abated, and for this purpose the council of said town may issue a warrant in the name of the Town of Seaford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Seaford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two day's notice as aforesaid, to be recovered, with cost of suit, in the name of the Town of Seaford, before the alderman of said town, or any justice of the peace residing in said

Council to
issue war-
rant.

To whom
directed.

Constable
to abate
nuisance.
Authority of
constables.

Costs and
damages.

How col-
lected.

Treasurer
no power to
sell lands
and tenement.

Additional
costs.

Recovery of
same.

OF CITIES AND TOWNS.

Time to be
computed
and included

Further
costs.

When not
cognizable
before
alderman.
Where suit
may be
brought.

town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two day's notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not abated or removed, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such cases suit, in the name of the Town of Seaford, may be brought in the Superior Court of the State of Delaware in and for Sussex county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Misdemeanor.

Fine and imprisonment.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Election of officers.

Term.

Collector.

Treasurer sworn.

SECTION 21. The town council shall also elect, at their stated in March, annually, as hereinbefore provided, by ballot, a treasurer, clerk, and assessor, for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary

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public. He shall, also, before entering upon the duties of his office, give bond to the Town of Seaford, with sufficient surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful performance of the duties of his office, and for the payment to his successor in office all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president and clerk thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive reasonable compensation for their services, to be determined by the council of said town. *Provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed ten per cent. on the taxes collected by him.

Bond.

Sureties.

Conditions.

Warrant of attorney. Orders, how drawn and paid.

Settlement of accounts.

Treasurer to collect taxes.

Duties of clerk.

Compensation.

Proviso.

SECTION 22. It shall be the duty of the assessor of said town annually to assess every male citizen resident of the town above the age of twenty-one years fifty cents *per capita*, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the Town of Seaford, all of which shall be assessed at its cost value in money. The said assessor shall make such assessment to the best of his knowledge and belief, and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall, within five days next after

Duties of assessor.

Return of assessment to council.

OF CITIES AND TOWNS.

Assessment list to be hung up. Where. How long. receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeals which shall continue open from two o'clock P. M. till four o'clock P. M. of said day, when they shall hear and determine appeals from said assessment, and may make corrections or additions to or alterations in the said assessment.

Court of Appeals. Proceedings. Notice. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least five public places in said Town of Seaford.

Determination final. The determination of the council of said town upon any appeal or upon matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council.

Taxes, how levied. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates, over and above the fifty cents *per capita*, on each male citizen of said town as hereinbefore provided.

Assessor sworn. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

By whom.

Taxes not to exceed five hundred dollars.

List of assessment.

SECTION 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed five hundred dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll or *per capita* and

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assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the power conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the Town of Seaford, with sufficient surety to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; *provided* that he shall not receive more than ten per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Collector's and treasurer's powers in collection of taxes.

Powers of council.

Bond. Surety.

Condition.

Warrant of attorney.

Compensation.

Proviso.

SECTION 24. The president, alderman, treasurer, clerk, collector, and town constables shall continue and hold their respective offices until the second Tuesday in March next, or until their successors shall be duly elected under the provisions of this act.

Present officers continued in office.

SECTION 25. The act entitled "An act incorporating the Town of Seaford," passed at Dover, March 15th, 1865, and the several acts amending the same, which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal and hereby expressly declaring that all the

Acts repealed.

Exception.

OF CITIES AND TOWNS.

Town ordinances declared legal. ordinances of the town of Seaford heretofore enacted or adopted and now in force in pursuance of any law of this State shall continue in full force and effect until repealed, altered, or amended by the council of said town; that all the acts and doings of the council, formerly called commissioners, of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines, or penalties and forfeitures due said town of Seaford, and all debts due from said town of Seaford to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town, heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture, or debt, due said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Acts of council legalized.

Debts, fines, &c., declared valid.

Powers of collectors.

Collector's and treasurer's bond unaffected.

SECTION 26.. This act shall be deemed and taken to be a public act.

Passed at Dover, February 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 177.

OF CITIES AND TOWNS.

AN ACT to vest the Title of a Certain Lot of Ground, with the Buildings thereon erected, in the City of New Castle, in Trustees for the uses and purposes therein mentioned.

WHEREAS by an act of the General Assembly of the freemen of the counties of New Castle, Kent and Sussex upon Delaware, passed June 13, 1772, a certain lot of ground situate in the square called Market Square, in the centre of the then town of New Castle, whereon there had been erected a state house, gaol, and other buildings, which said state house, gaol, and other buildings had at all times been held for the uses and purposes therein mentioned, that is to say, the state house to and for the use of the representatives of the freemen of the counties aforesaid at all times when in Assembly met, and to the justices of the several courts of the said County of New Castle for holding of courts therein, and for such other uses as they, from time to time, shall limit and appoint; and as to the gaol, gaol's house and yard, with the appurtenances, to the use of the Sheriff of New Castle county for his residence and for the safe custody of all prisoners to him legally committed, &c.; and whereas the said state or court house hath ceased to be used for many years by the said freemen for the Assembly aforesaid; and whereas the said courts, by an act of the General Assembly, passed at Dover, March 20th, 1879, have been removed from the City of New Castle to the City of Wilmington, and the said justices of the said courts have ceased to use the said building for the purpose of holding courts as aforesaid; and whereas the said gaol, gaol's house and appurtenances are still used for the purposes expressed in the said act of Assembly; now therefore, in order to perpetuate the said uses and to keep and more effectually retain for the use of the people now and at all times the buildings aforesaid, for the uses and purposes for which, from time to time immemorial, they have been kept and held, and that the legal estate may be vested in trustees to and for the uses and purposes hereinafter mentioned and specified,

OF CITIES AND TOWNS.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

Court house
and other
buildings in
New Castle.

Title.

Trustees.

Purposes of the trust.

When to be held for the use of the City of New Castle.

Provise.

**Rights of
County
preserved.**

SECTION 1. That the said state or court house, gaol, gaol's house, yard, &c., and all the immunities, improvements, advantages, hereditaments and appurtenances, and the remainder and reversions thereof, shall, from and after the passage of this act, be vested in and settled upon George Gray, Joseph H. Rogers, Julian D. Janvier, Richard G. Cooper and John H. Rodney, of the City of New Castle, and the survivor or survivors of them, and the heirs and assigns forever of such survivor upon the trust nevertheless, and to and for the end, intents and purposes, and subject to the uses hereinafter mentioned, expressed and declared, that is to say, that the said state or court house, offices and buildings erected upon the said lot of land mentioned as aforesaid shall be to and for the uses of the Justices of the Superior Court of the State of Delaware, to be used by them for the holding of all courts of New Castle county, or of any other county which may be made, established, or organized from any division of said county, so long as the said courts shall, from time to time, be adjourned, continued, or held in said buildings. That the said gaol, gaol's house, yard, &c., shall be to and for the uses mentioned in the said act of Assembly of freemen herein before recited, and at all times, when the said buildings and appurtenances shall cease to be used for the purposes herein specified and set forth, then to be held to and for the use of the inhabitants of the City of New Castle, for such public and municipal uses and purposes as the said trustees, or their successors, may direct and appoint. *Provided, however,* that nothing in this section shall be construed so as to divert or interfere in any way with the title of New Castle county to said real estate, according to the uses and trusts created by the said act of Assembly of June 13, 1772. *And provided moreover* that said property shall not be used in any way or manner that may impair its fitness to be again used for the holding of courts and for county purposes.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, February 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 178.

OF CITIES AND TOWNS.

AN ACT to amend an act passed at Dover, April 8th, 1869, entitled
 "An act to incorporate the Town of Felton."

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met (two-thirds
 of each branch thereof concurring therein):*

Sections 2, 3,
 and 18 of
 Chapter 479,
 Volume 13,
 Delaware
 Laws,
 amended.

SECTION 1. That the second section of said act be and the same is hereby amended by striking out the first three lines in said section and insert in lieu thereof the following, to wit: "The alderman of said town, to be elected as herein-after provided, shall ex-officio be a town commissioner and president of the board of town commissioners."

Alderman
 ex-officio
 president of
 council.

SECTION 2. That section third of said act be and the same is hereby amended by striking out the whole of said section and inserting in lieu thereof the following, to wit: "On the first Saturday in March in each and every year, after the passage of this act, there shall be an election held in the town of Felton, at such time and place as may be fixed by the town commissioners, due notice of which shall be given by the said commissioners at least five days before said election, for the purpose of electing an alderman, six commissioners, an assessor, and treasurer. All of said commissioners shall be residents of said town, and at least four of them shall be freeholders in said town at the time of their election. The said election shall be held by three persons, appointed for that purpose by the commissioners of said town. It shall be their duty to receive the ballots, ascertain the result, certify the same in the town record, and make out certificates, sign them and deliver them to each of the officers elected. At such election every male taxable of said town who shall have paid the town tax last assessed to him shall be entitled to vote. The three citizens aforesaid appointed by the commissioners to hold the town election shall be the judges of said election, and shall decide on the legality of votes offered. All vacancies, occasioned by death or otherwise in the board, shall be filled by the remaining commissioners. The present alderman shall serve until his successor is duly elected and qualified."

Election.

Notice.

All commis-
 sioners
 residents.
 Part free-
 holders.

Duty of
 commis-
 sioners.

Who entitled
 to vote.

Judges of
 election.

Vacancies,
 How filled.

OF CITIES AND TOWNS.

Section 18
amended.

SECTION 3. That section eighteen of said act be and the same is hereby amended by striking out the words "one hundred dollars" in the fourth line of said section, and insert the words "two hundred dollars," exclusive of "dog tax," in lieu thereof; and further to amend said section eighteen by striking out the last six lines of said section, after the word "require," and insert in lieu thereof the words "the said alderman, secretary, assessor, and treasurer, or collector, shall receive a reasonable compensation, to be determined by the board of commissioners; *provided* the compensation, as such, shall not exceed three per cent. in the case of the alderman, assessor and secretary, nor of ten per cent. in case of the collector, or of the treasurer when acting as collector."

Compensa-
tion of
officers.
Proviso.

Passed at Dover, February 21, 1883.

CHAPTER 179.

OF CITIES AND TOWNS.

An Additional Supplement to an act entitled An act for the better regulation of the Streets of Delaware City, and for other purposes, passed at Dover, March 5, 1851.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):

Authorized
to levy dog
tax.

Proviso.

SECTION 1. The commissioners of Delaware City, with the approval of the mayor, shall have power to lay and collect such special tax upon dogs kept within the city limits as may be for the well-being of the said city; *provided, however*, that they shall not lay a tax exceeding five dollars upon each dog, and shall have power to pass such ordinance as they may deem proper in regard to dogs at large, or to regulate the keeping of vicious, noisy or rabid dogs within the limits of said city.

Town
elections.
Who may
vote.

SECTION 2. Any male inhabitant of said city, who is entitled to vote for representatives in the General Assembly, having resided within the city limits one year preceding the

OF CITIES AND TOWNS.

annual city election, having been assessed and having paid all taxes due from him to the said city during the preceding year, shall be entitled to vote at such election. No person, unless so qualified, shall be entitled to vote at any city election.

SECTION 3. That the mayor and commissioners of Delaware City are hereby empowered to deposit any money, investments and securities belonging to the sinking fund for the extinguishment and payment of the bonds issued by the mayor and commissioners of Delaware City, in the Delaware City National Bank, or with some safe trust or deposit company for safe keeping, or with any money belonging to the said sinking fund, or any surplus money belonging to the city they may have in their charge, they may buy the bonds issued by the said mayor and commissioners of Delaware City aforesaid, and cancel same and keep an accurate record of the bonds thus cancelled.

Sinking fund investments may be used for payment of city bonds.

Record to be kept of bonds cancelled.

SECTION 4. That such parts of the original act of which this is a supplement, and all supplements and parts of supplements of the same as are repugnant to this act are hereby repealed, and this act shall be a public act.

Passed at Dover, February 28, 1883.

CHAPTER 180.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Frankford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows:

SECTION 1. That the limits and bounds of Frankford shall begin at a tenant house of John T. Long now occupied by Alfred Long; thence running in a southeasterly direction to the railroad, taking in the house of Eber Long and Robert Davis; thence in a northeasterly direction to the south corner of George Dingles' lot, crossing the main road at that place;

Limits of the town of Frankford.

OF CITIES AND TOWNS.

thence north seventy-five degrees east across the lands of Mrs. A. Hickman to the intersection of the line of Captain D. C. Betts' land; thence northeasterly to the south or southeast corner of Thomas L. Barker's lands; thence in a northwesterly direction to the intersection of the public road between lands of George Gray and Benjamin Gray; thence in a northwesterly direction to a tenant house of Joshua J. Derickson; thence in a westerly direction to two small gum trees between the lands of Joseph Cary and Sallie Cannon, and thence home to the place of beginning. The Council of the Town of Frankford, to be chosen as hereinafter provided, shall hereafter, with the assistance of a sworn surveyor, cause a resurvey and plot to be made of the said town as hereinbefore located, with such changes as they may deem proper, together with the streets, alleys, lanes and sidewalks; and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex county, and shall be evidence in all courts of law and equity in this State.

Plot and resurvey.

Where recorded.
Evidence.

Council.
How composed.
President.
Term of his office.
Election for councilmen.
When and where held.

Term of office.

President.
Term of his office.

Qualification of councilmen.

Opening and closing of elections.
Who entitled to vote.

SECTION 2. There shall be a Council of the Town of Frankford to be composed of nine members, one of whom shall by said council be elected President of said council for the term of one year, and until his successor shall be elected. That an election shall be held in Frankford, Sussex county, on the second Saturday of April next after the passage of this act, at the free school house in said town, for nine councilmen, three of whom shall be elected for one year, three for two years and three for three years, and annually thereafter an election shall be held for three councilmen to succeed those whose term of office will expire. The councilmen shall be elected for the term of three years, and until their successors shall be duly elected, and the president of the council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman or the president may be re-elected. The councilmen shall be resident freeholders of the Town of Frankford at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have

OF CITIES AND TOWNS.

paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes shall be elected. The first election, on the second Saturday in April next, shall be held by the justice of the peace residing in Frankford or adjacent thereto, who shall, in all respects, conduct said election, and make and deliver certificates to councilmen elected, and swear in the same, as fully as the alderman and his assistants who are hereinafter empowered to hold all subsequent annual elections, and all annual elections thereafter shall be held by the alderman and two of the six members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies for the residue of the whole

Votes
counted.By whom
election
shall be held

Ballots.

Poll list.

Inspection
of tickets.Who shall
decide when
tie.Certificates
of election
Notice of
meeting.Councilmen
sworn.Vacancies.
How filled.Minutes of
election.

OF CITIES AND TOWNS.

term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Election of Alderman.	SECTION 3. The town council, at the meeting after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Frankford, who may or may not be a justice of the
Term of his office.	peace, resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject,
Removal.	however, to be removed from office at any time by a vote of two-thirds of all the members composing the town council.
Oath of office.	Before entering upon the duties of his office, he shall be sworn or affirmed by the president of the town council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to
His duties and powers.	execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town or to execute or obey any law or ordinance thereof. <i>Provided</i> that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs.
Proviso.	His fees for any services under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council.
Fees.	If any vacancy shall occur in the office of alderman of the town of Frankford by death, resignation, removal from office or otherwise, such vacancy may be supplied by the town council, at a meeting thereof, for the residue of the term. If any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his
Vacancies in alderman's office how filled.	
His duties concerning successor.	

OF CITIES AND TOWNS.

successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Penalty for
neglect of
such duty.

Misdemean-
or and fine.

SECTION 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him during the preceding quarter, and pay to the treasurer of the town of Frankford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Monthly
report of
alderman.

SECTION 5. The duties of the President of Council shall be to preside at the meetings of council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Frankford, which by Section 1 of Chapter 51 of the Revised Code a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Duties of
president of
council.

SECTION 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and

Incorpor-
ated.

OF CITIES AND TOWNS.

Powers. shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of "The Town of Frankford;" and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex county, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than two hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Frankford for the use of said town.

Name.

Power to hold real estate.

Superintendence of streets, etc.

Appropriations by Levy Court for use of streets.

Location of new streets, etc. **SECTION 7.** The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

Reopening of old streets, etc.

Compensation for damages. By whom and how paid.

Notice to owners of real estate. **SECTION 8.** Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and

OF CITIES AND TOWNS.

widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owner, be dissatisfied with the amount of the compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the president of said council. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten day's notice to said president of council, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex county, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said associate judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Frankford and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the associate judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and

Notice to
tenant.
How given.

Appoint-
ment of com-
missioners.

Qualifica-
tion of com-
missioners.

Assessment
of damages.
Return of
freeholders.

Power to fill
vacancies in
commission.

Payment of
damages.

When de-
posited in
bank.

OF CITIES AND TOWNS.

By whom costs of appeal shall be paid. assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Fees of freeholders.

Prosecution of improvements.

Nuisances, diseases, etc.

Extent of jurisdiction. Ordinances defining, and for the removal of nuisances. Boundaries.

Grades of streets, etc.

Paving and graveling.

Storage of gunpowder, etc.

Breadth of footways.

Changing of grade.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances; to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible material, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alter-

OF CITIES AND TOWNS.

ation or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose an annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Ordinances
in relation to
dogs.

Fines for
enforcement
of ordi-
nances.

Surveys and
plots.

SECTION 10. Whenever the said town council shall have determined that any paving and curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the town of Frankford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said town of Frankford, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Frankford, under the hand of the president of the town council and the seal of the said corporation, directed to the treasurer of the town of Frankford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount

Owners of
real estate
notified.

Penalty for
failure to
comply with
notice.

Warrant for
collection of
costs upon
non-pay-
ment.
How issued.

To whom
directed.

OF CITIES AND TOWNS.

of the said bill, together with all costs. It shall be the duty of the treasurer of the town of Frankford, as soon as convenient after the said warrant shall be delivered to him, and after ten day's notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Frankford, after ten day's notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Frankford (or if there be no newspaper printed in the said town of Frankford, then in a newspaper printed anywhere in Sussex county), to sell the lands or tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Frankford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real

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estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs, to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all; and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb, heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall in the judgment of said council be necessary and proper.

What costs shall include

Notice. When served on tenant.

When mailed.

To what foregoing provisions apply.

Power of council.

SECTION 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any stated meeting. There shall be four stated meetings in every year of the said council, to wit: on the first Saturday in March, June, September and December. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violation of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Further power.

Stated meetings, time of

Powers.

Commitment for non payment of fines.

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who with the constable of Sussex county residing in said town shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place

Constables.

Removal.

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of those removed, if it shall be deemed necessary to make such appointments.

Annual
statements.

Accounts
submitted to
voters.

Fees of
councilmen.

Council to
make ordi-
nances con-
cerning
streets.

Fine for
violation.

How
recovered.

Jail to be
used by
town
council.

Duty of
keeper of
jail.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town, it shall be the duty of said council to submit their book of accounts containing the amounts received and paid out during each year to the voters of said town at their regular March meeting for inspection, revision and approval. The said councilmen shall be allowed for their attendance at each of said stated meetings a sum not exceeding one dollar.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions, in and upon the public square, or any of said streets, lanes, alleys, or sidewalks. The town council shall also have power to enact ordinances in relation to and to prevent any horse, mare, colt, mule, cattle, sheep, swine and geese from running at large within the limits of the town, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Frankford, before the alderman of said town, or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Sussex county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

SECTION 16. The council of said town shall have the

OF CITIES AND TOWNS.

power and authority to use the money in the treasury of the said town or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled, as hereinbefore provided, shall have the same power and authority as the whole.

Power of council to make improvements.

A majority necessary to make acts legal.

Vacancies. How filled.

SECTION 17. It shall be the duty of the alderman of said town, and council of said town, and of the constable of Sussex county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatsoever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and, upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any one of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the

Duty of town officers

Duty of constables.

Duty of alderman.

Fine and imprisonment.

Alderman's duty to issue warrant. When.

Constable to arrest drunken or disorderly persons

Sentence.

Proceedings

OF CITIES AND TOWNS.

alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Frankford.

Fees.

Proviso.
Town to pay
board of
prisoners.

Fireworks,
etc., pro-
hibited.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Fines.

Nuisances
and obstruc-
tions abated
and removed

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for

Notice.
By whom
given.

OF CITIES AND TOWNS.

its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of the town of Frankford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Frankford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Frankford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar addi-

Council to
issue war-
rant.

To whom
directed.

Constable
to abate
nuisance.

Authority of
constables.

Costs and
damages.

How col-
lected.

Treasurer
no power to
sell lands
and ten-
ements.

Additional
costs.

OF CITIES AND TOWNS.

Recovery of
same.

Time to be
computed
and included

Further
costs.

When not
cognizable
before
alderman,
where suit
may be
brought.

tional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two day's notice as aforesaid, to be recovered, with cost of suit, in the name of the town of Frankford, before the alderman of said town, or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two day's notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit, in the name of the town of Frankford, may be brought in the Superior Court of the State of Delaware in and for Sussex county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Misde-
meanor.

Fine and im-
prisonment.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the Grand Jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, at the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Election of
officers.

Term.

SECTION 21. It shall be the duty of the council of said town, as soon as conveniently may be after the election of members of said council on the second Saturday in April after the passage of this act, and after each annual election of members in every year, as hereinbefore provided, to elect, by ballot, a treasurer, clerk, and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have

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authority to elect, by ballot, a collector of taxes in any year Collector. they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed Treasurer sworn. faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also, before entering upon the duties of Bond. his office, give bond to the town of Frankford, with sufficient Sureties. surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge Conditions. of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment Warrant of attorney. for said penalty. The said treasurer shall pay all orders Orders, how drawn and paid. drawn on him by order of said council and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the Settlement of accounts. said council annually in the month of February, and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and Duties of clerk. faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive a reasonable Compensation. compensation for their services, to be determined by the council of said town. *Provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him. Proviso.

SECTION 22. It shall be the duty of the assessor of said Duties of assessor. town annually to make a true, just, and impartial valuation and assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as

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those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall, within five days next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Saturday next after the expiration of the said ten days, hold a court of appeal which shall continue open from one o'clock P. M. till four o'clock P. M. of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to, or alteration in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least six public places in said town of Frankford. The determination of the council of said town upon any appeal or upon any matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

Taxes not to exceed two hundred dollars.

SECTION 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed two hundred dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of April, or as soon thereafter as convenient,

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cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Frankford, with sufficient surety, to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; *provided* that he shall not receive more than eight per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

List of
assessment.Collector's
and treasurer's
powers
in collection
of taxes.Powers of
council.

Bond.

Surety.

Condition.

Warrant of
attorney.

Compensation.

Proviso.

SECTION 24. This act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1883.

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CHAPTER 181.

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AN ACT to further amend Chapter 480, Vol. 13th of the Laws of the State of Delaware.

Sections 16
and 10, of
Chapter 480,
Volume 13,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That Chapter 480, Volume 13, Part 3, of the Laws of the State of Delaware, entitled "An act to incorporate the Town of Harrington," be and the same is hereby amended by striking out the words "eight hundred and fifty," in lines 8, 9, 10, 11 and 13 of Section 16 of said act, and by inserting in lieu thereof the words "twenty-six hundred and forty."

SECTION 2. *Be it further enacted,* That Section 10, in line 12, be and the same is hereby amended by striking out the words "one hundred" and inserting in lieu thereof "two hundred."

Farm lands
or buildings
exempt from
taxation.

SECTION 3. That no farm lands or farm building within the extended lines of said town be taxed for town purposes unless laid out in building lots.

Passed at Dover, March 9, 1883.

CHAPTER 182.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the Town of Middletown."

Section 4,
Chapter 36,
Volume 12,
amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each house concurring), That the act entitled "An act to incorporate the town of Middletown," passed

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at Dover, February 12th, 1861, be and the same is hereby amended, to wit: by striking out Section 4 of said act and inserting in lieu thereof the following in and for said section:

"SECTION 1. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets now opened or hereafter to be opened within the limits of said town, and no overseer for any of said roads or streets shall be appointed by any other authority than the said commissioners. For each day's actual service on said roads and streets the said commissioners shall severally receive and be allowed one dollar, and for each half day's service fifty cents; but no compensation shall be allowed for any fraction less than a half day. That the Road Commissioners of St. George's hundred, New Castle county, be and they are hereby directed to appropriate annually the sum of six hundred dollars out of the road taxes of said hundred and pay over the same to the commissioners of said town (in lieu of any and all other sums granted from said service), to be by the said commissioners expended in repairing and maintaining in proper order the roads, streets and bridges within the limits of said town; which sum so appropriated shall be so expended for that purpose and no other, and shall so show in an exhibit of disbursements to be printed annually by said commissioners."

Commissioners shall superintend roads and streets within certain limits.

Compensation.

Annual appropriation out of road taxes to be paid to town commissioners for repairs, etc., of roads, bridges, and streets of said town.

Commissioners shall print annually an exhibit of disbursements.

Passed at Dover, March 12, 1883.

CHAPTER 183.

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AN ACT to further amend Chapter 152, Volume 15, Laws of Delaware, entitled "An act to incorporate the City of New Castle."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That from and after the next election of city officers for the City of New Castle, to be held on the second

Chapter 152, Volume 15 amended.

OF CITIES AND TOWNS.

Mayor.
Term of
office three
years.

Tuesday of April, A. D. 1883, the mayor of said city shall hold office for and during the term of three years, instead of one year, as is now provided by the act of which this is amendatory, and everything in said act inconsistent with this act is hereby repealed.

Passed at Dover, March 14, 1883.

CHAPTER 184.

OF CITIES AND TOWNS.

AN ACT to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled "An act to incorporate the Town of Lewes, and for other purposes," as amended by Chapter 535, and republished in Chapter 536 of the same volume.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 114,
Volume 14,
as amended
by Chapter
535, same
volume,
amended.

SECTION 1. That Section one of Chapter 114, Volume 14 of the Laws of Delaware, as amended by Chapter 535, and as republished in Chapter 536 of the same volume, be and the same is hereby amended by striking out the word "five" in the eighth line of said section, as republished as aforesaid, and by inserting after the word "town," in the fourteenth line, and before the word "the" in the same line, as republished as aforesaid, the words following, to wit: "And at the annual election in 1884 the said commissioners shall be elected as follows: four persons shall be elected to serve for the term of one year, four persons for the term of two years, and four persons for the term of three years; and on the first Saturday of January annually thereafter four persons shall be elected to serve for the term of three years as commissioners. The treasurer and assessor shall be elected as heretofore, to serve for one year."

SECTION 2. That the said section one of the said act be and the same is hereby further amended by striking out all of said section between the word "notary," in the thirty-second line, and the word "immediately," in the forty-first line of

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said section, as republished as aforesaid, and inserting in lieu thereof the words following, to wit: "L. W. Waples, Robert Arnell and James C. Beebe are hereby appointed auditors to audit the accounts of the commissioners and treasurer for the year 1883; and hereafter, at every annual election for commissioners, three persons shall be elected to serve as auditors for the year ensuing. The commissioners shall prepare a full and clear statement of all the receipts and expenditures, the indebtedness of the town, the money in hand, or due the town, the amount of taxes levied on real estate, persons and property, sales of marsh lots, delinquents allowed and taxes due, and submit the same to the auditors aforesaid not earlier than the tenth nor later than the fifteenth day of December in each and every year. It shall be the duty of the said auditors to thoroughly examine the same, and for that purpose they shall have free access to all the books, papers and vouchers of the said commissioners and treasurer. The auditors shall publish the said statement, together with their report thereon, in a newspaper printed in the county, or by circulars, at least ten days before the annual election. The cost of such publication shall be paid out of the funds of the town. Any vacancy or vacancies that may occur in the office of auditor by reason of death, resignation, refusal to serve, or otherwise, may be filled by the remaining auditors or auditor. Each of the said auditors shall receive as compensation for his services the sum of one dollar, to be paid out of the funds of the town."

Auditors appointed.

Term of office.

Commissioners' statement, contents.

Submit to auditors. When.

Duty of auditors.

Report of auditors to be published.

Vacancies. How filled.

Compensation.

SECTION 3. That Section 18 of the said act, as republished as aforesaid, be and the same is hereby amended by striking out the words "five hundred." in the third line of said section, and inserting in lieu thereof the words "one hundred and fifty," and by adding at the end of said section the words following, to wit: "No appropriation shall be made, or indebtedness incurred, by the said commissioners, in any one year, in excess of the taxes, rents and receipts of the corporation for the year then current."

Section 18 amended.

SECTION 4. The commissioners shall cause the survey and plot of the town of Lewes, as now existing and in their hands, made in accordance with the provisions of Section two of Chapter 535 of Volume 14, Laws of Delaware, to be recorded in the office of the Recorder at Georgetown, and the said Recorder is hereby authorized to record the same. The original, as also the record, or a certified copy thereof, shall

Survey and plot to be recorded.

Evidence.

OF CITIES AND TOWNS.

be evidence. The public ditches of the town now open and covered, or hereafter to be opened or covered, shall be invested in and under the control of, and shall not be leased, or the control thereof be diverted from the town commissioners.

SECTION 5. Nothing herein contained shall repeal or affect the provisions of Chapter 159 of Volume 15 of the Laws of Delaware, or the amendments thereto, but the taxes shall be levied and collected for the purpose therein mentioned as heretofore.

SECTION 6. This act shall be deemed and taken to be a public act.

Passed at Dover, March 15, 1883.

CHAPTER 185.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the Town of Milford," passed February 25, 1867.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 176,
Volume 13,
amended.

Election.
Where held.

SECTION 1. That Section one of the act entitled "An act to incorporate the town of Milford," passed February 25, 1867, be and the same is hereby amended by striking out, in fifth and sixth lines of said section, the words "at the place where the general elections are now held," and insert in lieu thereof the words "in the front room of the building known as the lockup or jail."

Passed at Dover, March 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 186.

OF CITIES AND TOWNS.

AN ACT to authorize the Town Council of the Town of Dover to Borrow Two Thousand Dollars (\$2,000) for the Benefit of the Dover Water Works.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows, to wit :

SECTION 1. That the town council of the town of Dover be and the same are hereby vested with full power and authority to borrow, upon the faith and credit of the town, the sum of two thousand dollars (\$2,000), to be applied and expended by the said town council for the benefit of the water works in said town. The money borrowed under the provisions of this act being intended to supply the deficiency in the water fund caused by the sale of the bonds issued for the construction of said water works at less than their face value and by certain necessary additions to the said water works not included in the contract for the construction of the same.

Authority to borrow \$2,000 for benefit of water works

Purposes of the loan.

SECTION 2. That the said town council be and the same are hereby authorized and empowered to issue certificates of indebtedness to secure the repayment of the said two thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, within five years from the date thereof, and at such time or times as the said town council shall by ordinance provide, and shall bear interest at the rate of six per cent. (6) per annum from the date thereof, said interest to be payable semi-annually. And that the said town council, in making their annual appropriations for the support of the water works and payment of the water bonds and interest thereon, be and the same are hereby authorized and required to include therein the interest on said certificates of indebtedness and every portion or installment of said certificates which may be payable in the fiscal year for which such appropriations are made.

Certificates of indebtedness to secure amount borrowed. When payable. Interest 6 per ct.

Annual appropriations to include said certificates and interest due.

Passed at Dover, March 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 187.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Town of Milford,'" passed March 29, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Section 3,
Chapter 123,
Volume 14,
amended.

SECTION 1. That Section 3 of the act entitled "A supplement to the act entitled 'An act to incorporate the town of Milford,'" passed March 29, 1871, be and the same is hereby amended by striking out the words "two of whom on either side shall be residents and freeholders thereof," in the twelfth and thirteenth lines of said section, and inserting in lieu thereof the words following, to wit: "all of whom shall be residents within the corporate limits of said town and bona fide freeholders thereof for not less than thirty days next preceding their election."

SECTION 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, made null and void.

Passed at Dover, March 23, 1883.

CHAPTER 188.

OF CITIES AND TOWNS.

A SUPPLEMENT to the act entitled "An act to reincorporate the Town of Dover," passed February 27th, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each [branch] of the Legislature concurring therein):

Supplement
to Chapter
107, Vol. 16.

SECTION 1. That at the annual election held on the first Monday in March in each and every year for the purpose of electing a president and four members of the town council,

OF CITIES AND TOWNS.

according to the provisions of the act to which this is a supplement, there shall also be voted for and elected in like manner an assessor, who shall be an inhabitant and a freeholder of the town of Dover, and shall not be a member of the town council during the year of his service as assessor. He shall discharge the duties now required of that officer by the provisions of the aforesaid act, but before entering upon the discharge of said duties he shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any judge, justice of the peace, or notary public, and a copy of said oath or affirmation shall be filed with the clerk of the council and the fact of such filing entered upon the minutes.

Annual
election of
assessor.Qualifica-
tion.

Duties.

Oath. By
whom ad-
ministered.Copy of oath
filed with
clerk of
council.

SECTION 2. The town council may fix the sum to be assessed upon each and every male citizen residing in said town above the age of twenty-one years as well those owning as those not owning real estate within the limits of said town; but the sum so to be fixed shall be one and the same for every class and description of said citizens, and shall not exceed the sum of nine hundred dollars.

Assessment.
Poll tax.Not to ex-
ceed \$900.

SECTION 3. The town council are hereby authorized and empowered to levy and collect from the taxables of said town, according to the terms and provisions of the aforesaid act to which this is a supplement, such sum as may be deemed by them necessary to carry out the provisions of said act, which sum shall in no year exceed four thousand dollars, clear of all delinquencies and expenses of collection, in lieu of twenty-five hundred dollars now authorized and limited by law. *Provided nevertheless*, that the citizens of the town may assemble in town meeting annually on the evening of the third Monday in March, to determine whether any additional sum or sums shall be levied and collected for any specific purpose or purposes, notice of which meeting, the place of meeting, and the special purpose or purposes for which said additional sum or sums are desired having been published by the town council, or by any taxable of the town, in the newspapers of the town twice immediately preceding the time of said meeting. At said meeting a resolution or resolutions shall be prepared, stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the town shall then proceed to vote yea or nay, by ballot,

Taxes not
to exceed
\$4,000.Pro-
Viso.Citizens may
determine
as to addi-
tional taxes
at annual
meeting.

Notice.

Resolutions
to be sub-
mitted to
meeting.
Contents.
Voting.

OF CITIES AND TOWNS.

Result to be
certified to
council.

When addi-
tional taxes
may be
levied.

upon said resolution or resolutions, and the result shall be certified to the town council, and if a majority of those voting shall approve of said resolution or resolutions, then the town council shall levy and collect said additional sum or sums, and apply the same to the purpose or purposes specified, and not otherwise. The said town meeting may vote as above provided, or adjourn to some subsequent meeting to be held in the said month of March.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed at Dover, March 27, 1883.

CHAPTER 189.

OF CITIES AND TOWNS.

A SUPPLEMENT to an act entitled "An act to incorporate the Town of Middletown," passed at Dover, Feb'y 12th, 1851.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Commis-
sioners au-
thorized to
borrow \$5000

Purposes of
loan.

Bonds.
When pay-
able.

Not liable to
taxation.

SECTION 1. That the town commissioners of the town of Middletown shall have power and authority, under an ordinance to be passed with the concurrence of two-thirds of the members of the board of commissioners for the time being, to borrow a sum or sums of money not exceeding in the aggregate five thousand dollars, and which shall be appropriated, applied and expended for the purpose of supplying the said town with water and for the purchase of apparatus for extinguishing fires; and may issue bonds therefor at a rate of interest not exceeding six per cent. per annum. The principal of said bonds shall be made payable at such time or times, not exceeding ten years from their date, and in such manner as the ordinance shall prescribe, and shall not be subject to taxation for state, county, municipal, or local purposes.

SECTION 2. Whenever it shall become necessary in the opinion of the board of town commissioners aforesaid to

OF CITIES AND TOWNS.

procure any land for the purpose of digging wells, erecting water works, constructing basins, or reservoirs, or any other matter essential to supplying the said town with water, and such land cannot be procured by agreement between the owner thereof and said commissioners, it shall and may be lawful for the said commissioners to condemn such land for the purpose or purposes aforesaid in manner following, to wit: The owner of such land shall choose two disinterested freeholders of New Castle county and the said commissioners shall choose two other such freeholders, the four persons so chosen shall choose one other such freeholder. The five freeholders so chosen shall go upon and view the said land, first being duly sworn or affirmed to make a true and just award of damages so made, under their, or a majority of their hands and seals, to the said owner and to the said board of commissioners. Such award shall be final and conclusive, and upon the payment of the damages so awarded shall vest the said lands in the said board of commissioners for the purpose or purposes aforesaid forever. In case the owner of such land shall neglect or refuse to choose two freeholders, after thirty day's notice given by said commissioners, or shall be incapable, for any reason, to make such choice, the Associate Judge of the Superior Court residing in New Castle county shall, upon application, appoint three freeholders as aforesaid, which freeholders, with the two chosen as aforesaid by the said commissioners, shall have all the power and authority and shall perform the duties conferred upon and required of the freeholders otherwise chosen as aforesaid. The deposit, by the said commissioners, of the amount of damages awarded as aforesaid in the Citizens' National Bank of Middletown, Delaware, to the credit of the owner of the land as aforesaid, shall be deemed and taken to be a sufficient payment of such damages.

Commissioners power to condemn land for certain purposes.

Manner of condemnation.

Award of damages.

Certificate. To whom.

Award conclusive.

Title.

Neglect to choose freeholders associate judge of county may appoint

Deposit in bank of damages.

Payment.

Passed at Dover, March 29, 1883.

OF CITIES AND TOWNS.

CHAPTER 190.

OF CITIES AND TOWNS.

AN ACT to amend Section One, Chapter One Hundred and Seven,
Volume Sixteen of the Laws of Delaware.

Section 1,
Chapter 107,
Volume 16,
amended.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),* That the words "for five years," in the proviso to said section, be stricken out.

Passed at Dover, April 10, 1883.

CHAPTER 191.

OF CITIES AND TOWNS.

AN ACT to amend an act to incorporate the Town of Newport, passed
April 7, 1873.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Chapter 539,
Volume 14,
amended.

Commissioners.

Term of
office.

SECTION I. That the same is hereby amended by striking out in Section I, line 21, the words "is a taxable of said town," and inserting in lieu thereof the words "shall have paid the town tax last assessed to him;" and in line 27 of Section 1 by striking out the words "one year or," and insert after the word "elected," in the same line, the following: "On the day following said election the commissioners-elect shall meet at the office of the present town commissioners and choose, by lot, three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held at the time and in the manner aforesaid to choose three, or two commissioners, as the case may be, to serve for two years." And also, in Section 11, line 15, by striking out the words "in one hotel," between the words "place" and "in;" and also, in same section, in lines

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19 and 20, by striking out the words "from 9 o'clock until 12 M. and". That Section 12, line 5, shall be and the same is hereby amended by striking out the words "or as soon thereafter as convenient." And also, said act shall be further amended in Section 13, line 2, by striking out the words "are hereby authorized to," and place in lieu thereof the word "shall." And said act shall be and the same is hereby further amended by striking out the whole of Section 18 of said act and inserting in lieu thereof the following, as and for said section: "That if any commissioner, assessor, or treasurer, after being duly elected, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the peace for New Castle county, with costs. Any commissioner, treasurer, or assessor failing or neglecting to become qualified for the duties of his office on or before the first annual meeting in May shall be passed by and his election declared void. And it shall be the duty of the commissioners of the said town annually, on the third Saturday of March next ensuing their election, to make annually, or each and every year, a complete statement of the financial condition of the treasury of said town, stating what moneys have been received, and whether such moneys have been disbursed, posting such statement in some public place in said town for the information of the citizens thereof." And further, that Section 20 of said act be amended by striking out the words "exclusive of dog tax," in line 3 of said section. And further, that in any edition or compilation of the laws of the State hereafter published the said act, to which this is an amendment, shall be printed and published as hereby amended in all respects.

Penalty for neglect of such duty.

How recovered.

When election of officers void.

Duty of commissioners.

Passed at Dover, April 10, 1883.

OF CITIES AND TOWNS.

CHAPTER 192.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Newport, as amended by Chapter 191,
Current Volume.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),*

Election.
When held.

Notice.

Alderman,
commission-
ers, assessor,
treasurer.

Eligibility.

Votes re-
ceived by a
justice.

Result.
How ascer-
tained.

Qualifica-
tion of a
voter.

Judges.

Who de-
clared
elected.

Commis-
sioners.

Term of
office.

That an election shall be held in the Town of Newport, New Castle county, on the second Saturday in April next, at the place where the general elections are now held, from 1 o'clock till three in the afternoon, and thereafter on the second Saturday of every April, at such time and place as shall be determined and fixed by the town commissioners, due notice whereof shall be given by the said commissioners at least five days before said subsequent election, for an alderman, five commissioners, an assessor, and treasurer. Three of the said commissioners, and the assessor, and treasurer, shall be freeholders and citizens of said town, and two of said commissioners may be citizens not freeholders of said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor, and treasurer shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. The justice of the peace and the two citizens aforesaid shall be judges of the election, and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office until their successors are duly elected. On the day following said election the commissioners elect shall meet at the office of the present town commissioners and choose by lot three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held at the time and in the manner aforesaid to choose three, or two, commissioners, as the case may be, to serve for two years. Immediately after such election the person or persons under whose superintendence the election

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is held shall enter in a book, to be provided for that purpose, a minute of such election, containing the names of the persons chosen alderman, commissioners, assessor, and treasurer, and shall subscribe the same, and shall give to the alderman, commissioners, assessor, and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners and shall be evidence.

Minute of election.
Certificates of election.
Minute book evidence.

SECTION 2. *And be it further enacted as aforesaid,* That the commissioners of Newport to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law, and the said commissioners of Newport, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State, by the corporate name of the "Commissioners of Newport," and may have and use a common seal, with such device or devices as they shall think proper, with power to alter and change the same as may be deemed expedient; to purchase, take, hold, receive and enjoy any messuage, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; *provided nevertheless,* that there is hereby reserved to the Legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Incorporation.
Corporate powers.
Proviso.

SECTION 3. *And be it further enacted as aforesaid,* That the limits and bounds of Newport be as follows: Beginning at a point on the west side of Mary street, at low water mark on the north shore of Christiana River, and running in a northerly direction along the west side of Mary street until it intersects a continuous straight line from the northern boundary of Joseph Killgore's land, thence in an easterly direction by said Killgore's line and lines of Alexander Irons, M. D., to the northeast east corner of said Irons' land and Cherry Lane; thence in a southerly direction down said Cherry Lane to the intersection of the Christiana and Wilmington turnpike, thence eastward along said turnpike to the eastern boundary of St. James' Church lands, thence in a southerly direction on a line parallel with Walnut street until it intersects the Christiana River, thence with low water mark on said river to the place of beginning.

Limits and boundaries of the town.

OF CITIES AND TOWNS.

SECTION 4. *And be it further enacted as aforesaid,* That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of this State, or by ordinances of the town commissioners regularly passed and established for the government of the said town, and of and over all neglects, omissions or defaults of the town bailiff, assessor, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to the said town, or to execute or obey any law or ordinance thereof; *provided* that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record, or docket, to be called the "Alderman's Docket of Newport," to be provided by the commissioners aforesaid, in which all his official acts shall be entered, and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, &c., pertaining to his office, within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars, to be recovered before the succeeding alderman or any justice of the peace residing in said town.

Alderman to have the powers of a justice of the peace.

Proviso.

Fees of alderman.

Alderman's docket.

SECTION 5. *And be it further enacted as aforesaid,* That the alderman, commissioners, assessor, and treasurer aforesaid, so elected, shall, before one of the justices of the peace in the said town, be duly qualified, by oath or affirmation, to perform the duties of their offices respectively to the best of their knowledge respectively, and without favor or partiality, and after being so qualified, the said commissioners, at their first meeting after each election, shall choose a president and secretary from their number, who shall continue during their term of office; and if, by death or otherwise, the place of the president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter,

Qualification.

President and Secretary.

Vacancies. How filled.

OF CITIES AND TOWNS.

are hereby authorized to fill said vacancy out of their own numbers as aforesaid; and if a vacancy shall occur in the office of alderman, commissioner, or assessor, or treasurer, during the said term of office, by death or otherwise, the said commissioners, or a majority of them, for the time being, at their next meeting thereafter, are hereby authorized to fill said vacancy by appointing an alderman, assessor, commissioner, or treasurer, or either, as the case may be, to fill the unexpired term of said office or offices. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid, shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices. It shall be the duty of the president chosen as aforesaid to preside at all meetings of said commissioners, and in case of his or the secretary's absence an officer *pro tem.* shall be appointed in his or their place. It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to said town, all of which are to be carefully preserved and delivered to his successor in office.

All shall act,
but majority
shall govern.

Duty of
President.

President
pro tem.
Duty of Sec-
retary.

SECTION 6. *And be it further enacted as aforesaid,* That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys and gutters now open or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges and gutters in said town to be repaired, regulated, supported, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in such lands and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, or for any other purpose that will contribute to the safety, convenience and prosperity of said town. That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town, by petition to them for that purpose, to reopen all streets that have previously been opened, to locate, lay out and open any new street or streets which five or more citizens of said town may desire to be located and laid out and opened, allowing to

Superinten-
dence of
streets, etc.

Fund by tax

Power to
reopen
streets.

New streets.

OF CITIES AND TOWNS.

the persons respectively through or over whose grounds such new street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of moneys of said town on warrant drawn on him by the commissioners aforesaid.

Damages. That the road commissioners of Christiana hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of one hundred and fifty dollars for each and every year, to be paid to the commissioners of Newport, to be by them expended in repairing and maintaining in proper order the streets, sidewalks and bridges of said town; and the said commissioners shall have the sole supervision of said streets, sidewalks and bridges; *provided always* that the said commissioners shall in no case be required to repair or keep in order any bridges subject to be supported by the County of New Castle or roads that belong to the Wilmington and Christiana Turnpike Company.

Road commissioners to make an apportionment of \$150.

Proviso.

Notice of location of street.

SECTION 7. *And be it further enacted as aforesaid,* That whenever the commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the justice of the peace, oldest in commission, residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial

Appeal.

Freeholders. freeholders, nine of whom shall be freeholders of Christiana

OF CITIES AND TOWNS.

hundred owning no real estate in said town and not residing within its limits, and the remaining twelve shall be freeholders owning real estate in said town and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street, and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners, shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders located as follows, viz: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or commissioner, may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in the case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace of New Castle county in the name of the town commissioners for the use of said town. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the terms for which they were elected. The act of a majority

Owners of
real estate
notified.

Freeholders,
how selected

Where to re-
side.

Award final.

Justice to
strike, when

Hearing.

Award.
When made.

Forfeiture.

No petition
entertained
during the
term of com-
missioners if
award is
against the
street.

OF CITIES AND TOWNS.

Acts of ma-
jority valid.

of said freeholders shall be as good as an act of the whole in making any such award or assessment of damages.

Costs borne
by town.
When.

Costs paid
by the ap-
pellants.

Damages.
How paid,
and when.

Deposited in
bank, when.

Fees of
freeholders.

SECTION 8. *And be it further enacted as aforesaid,* That if on any such appeal the award shall be against the necessity of a street, or the freeholders shall increase the damages of any appellant, then the cost of appeal shall be borne by the town, but if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damages which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such streets; and in case any such owner or owners, in whose favor any such damages are assessed shall be a minor or non-resident, or refuse to receive, or be incapable, for any cause, of receiving the same, such damages may be deposited in the Newport National Bank, or any other banking institution which may at the time exist in said town, to the credit of such person or persons, and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day.

Power of
commission-
ers to direct
pavements
to be made.

Commis-
sioners au-
thorized to
pave, when.

Distress.

SECTION 9. *And be it further enacted as aforesaid,* That the commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders of said town, to direct, in writing, the owner or owners of any house or land in Newport, before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement of brick or smooth stones, of such length and width as the said commissioners may specify, and if such owner or owners shall neglect or refuse, for the space of three months, after being directed as aforesaid, to lay such pavement with good and sufficient curbs, it shall and may be lawful for the said commissioners, and they, or a majority of them, are authorized and required to cause such pavements and curbs to be made, and to recover the costs of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such owner or owners within the limits of said town. If any pavement, already made, shall, at any time, by the said commissioners, or a majority of them, be deemed an insufficient pavement, they, or a majority of them, shall

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have power and are hereby required to direct, in writing, the owner or owners thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said commissioners, or a majority of them, shall cause the same to be done, and recover the costs of so doing the same in like manner as above described in case of new pavements. May direct pavements to be repaired.

Notice to one joint owner shall be notice to all, and, in case no owner shall reside in the town, notice to the occupant shall be deemed a sufficient notice to the owner. Commissioners to repair, when.

The said commissioners, or a majority of them, may cause such sidewalks, or portions thereof, as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of said town, and may cause flagstones to be put down at the crossings of the streets wherever they may think necessary, and the costs of doing the same shall be defrayed out of the funds of the town. Gravel. Flagstones.

If any lot or lots on any of the said streets shall be held or owned by a widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. Expenses paid by reversioner. When. Paid by guardian.

All subsequent repairs named in this act to be kept up at the expense of such tenant in dower. Lien. Subsequent repairs.

SECTION 10. *And be it enacted as aforesaid,* That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed either upon their own view or upon complaint Powers of commissioners. Ordinances. Sanitary measures. Nuisances.

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of any other citizen, in writing, stating the character of the nuisance or obstruction and where the same exists. If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the commissioners for the use of the town in the same manner as debts of that amount are recoverable, and for every additional day the same shall remain unabated and unremoved he or she shall forfeit the further sum of ten dollars, to be recovered in the same manner.

Assessment.

SECTION II. *And be it further enacted as aforesaid,* That the assessor of the town for the time being shall, annually, during the month of May, make a true, just and impartial valuation or assessment of the real estate within said town, except as hereinbefore excepted, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits, and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each.

Duplicate.

Assessment
of the assess-
or, how
made.
Transcript.

The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of June, cause a full and complete transcript of said duplicate to be hung up in a public place in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeal, which shall continue open from 2 o'clock P. M. until 5 o'clock P. M. of the said day, when they shall hear and determine appeals from said assessment.

Court of
appeal.

Notices.
How given.

Notice of the hanging up of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and deter-

Decisions
final.
No commis-
sioner to sit
upon his own
appeal.

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mined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed, by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor, and treasurer aforesaid.

Oath of
assessor.

Certificate.

SECTION 12. *And be it further enacted as aforesaid,* That the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, and having apportioned the same on the assessment and valuation aforesaid, shall, yearly, in the month of June, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of one thousand dollars, to the commissioners, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said treasurer shall pay all orders drawn on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of March, and as often, and at such times, as they, or a majority of them, shall require. The said assessor and treasurer shall each receive a reasonable compensation, to be determined by the commissioners.

List of tax-
ables furnish-
ed treasurer.

How signed.

Duty of
treasurer to
collect taxes.

Powers.

Bond.

Treasurer
shall pay
orders of
commis-
sioners.
Settlement.Compensa-
tion.

OF CITIES AND TOWNS.

Bailiff.	<p>SECTION 13. <i>And be it further enacted as aforesaid,</i> That the said commissioners shall appoint some discreet and judicious citizen, a resident of Newport, town bailiff. The said bailiff shall have all the powers and authority, within the limits of said town, of a constable of the State of Delaware in and for New Castle county as to the cognizance of all breaches of the peace and other offenses within said town, and shall hold his office subject to the option of the commissioners, and his fees and emoluments shall be the same as those of a constable for like services, provided that he shall not serve any civil process except to carry out the provisions of this act. It shall be the duty of the said alderman, commissioners, and bailiff, or of any justice of the peace and constable of New Castle county residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes, or alleys of the said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of said bailiff, or any constable, upon the requisition of the alderman, or of any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and to carry him or them before said alderman or any justice of the peace resident in the said town, and upon conviction before the said alderman, or justice of the peace as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars, and commit the party to the public jail of New Castle county for any period not more than five days, or until said fine and the costs be paid. It shall be the duty of the said alderman, or justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said bailiff, or constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial.</p>
Powers.	
Term of office.	
Fees.	
Proviso.	
Riots, etc.	
Duty of bailiff to arrest offenders.	
Fine. Commitment.	
Warrant.	

To extinguish bonfires, etc.	<p>SECTION 14. <i>And be it further enacted as aforesaid,</i> That it shall be the duty of the said alderman, commissioners, bailiff, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fire-</p>
Firing of guns.	

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works, or the making or throwing fire-balls within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the said alderman or justice of the peace in the town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the commissioners to present him to the grand jury, and upon conviction he shall, in addition to the punishment imposed by the court, forfeit his office.

Ordinances.
Fine. How collected.
Commitment. All fines to be paid to the treasurer
Constable refusing to act guilty of a misdemeanor.
Presentment
Forfeiture.

SECTION 15. *And be it further enacted,* That there shall be two stated meetings in every year of the said commissioners, viz: on the third Saturday in May and November, and special meetings at such times as the same shall be called by any three of the said commissioners, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments, and general welfare, as by said commissioners may be deemed proper; *provided* the same be not repugnant to the constitution or laws of this State. By such ordinances they may impose fines, penalties, and forfeitures, and provide for their collection.

Stated meetings.
Special meetings.
Provido.

SECTION 16. *And be it further enacted,* That the commissioners shall have full power and authority to make such regulations and ordinances relative to the traveling over and upon said streets, and to the use thereof; also, relative to the standing and placing of carts, carriages, wagons, and other vehicles, or other obstructions, in and upon said streets, lanes, alleys, and sidewalks; also, as to the running about or otherwise straying or ranging around of any horse, cow, hog, or other brute animals, or geese, in said streets, roads, alleys, lanes and passes in said town, which they, or a majority of them, may deem proper to prevent in order to secure a free and unobstructed enjoyment and use of the same.

Powers of commissioners.
Traveling over streets, etc.
Strays.

OF CITIES AND TOWNS.

Money of
the town.
How used.

SECTION 17. *And be it further enacted,* That the commissioners, or a majority of them, shall have authority to use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they, or a majority of them, may deem advisable, but no money shall be paid out by the treasurer except upon the written order of the commissioners, or a majority of them.

Penalty for
failure of
officers to
perform
duties.

How
recovered.

When elec-
tion of offi-
cers void.
Duty of com-
missioners.

SECTION 18. *And be it further enacted,* That if any commissioner, assessor, or treasurer, after being duly elected, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the peace for New Castle county, with costs. Any commissioner, treasurer, or assessor failing or neglecting to become qualified for the duties of his office on or before the first annual meeting in May shall be passed by and his election declared void. And it shall be the duty of the commissioners of the said town annually, on the third Saturday of March next ensuing their election, to make annually, or each and every year, a complete statement of the financial condition of the treasury of said town, stating what moneys have been received, and whether such moneys have been disbursed, posting such statement in some public place in said town for the information of the citizens thereof.

Duty of
treasurer to
collect taxes

Delinquents

SECTION 19. *And be it further enacted,* That the said treasurer, on receiving the said list of tax, adjusted and corrected as hereinbefore provided, shall proceed to collect from the persons therein named the several sums of which they respectively stand assessed, and all sums so assessed and remaining unpaid after the first day of August, in any year, shall be collected with ten per centum additional. The commissioners may allow such delinquents as they, or a majority of them, may think proper.

Tax not to
exceed \$500.

SECTION 20. *And be it further enacted,* That the amount of tax levied in each and every year by said commissioners shall not exceed five hundred dollars.

Public act.

SECTION 21. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Passed at Dover, April 7, 1873.

Amended April 10, 1883.

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CHAPTER 193.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Laurel.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),* That John R. Wilson, Thomas C. Horsey, Daniel J. Fooks, Joseph F. T. Smith and William E. Wolfe are hereby appointed commissioners, whose duty it shall be and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful surveyor to be by them chosen, to survey and lay down on a plot the Town of Laurel in Sussex county, establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall, when the service is performed, return the plot, under their hands, to the Recorder's office at Georgetown, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence. The commissioners and the surveyor, before entering upon their duties under this section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

Commis-
sioners.
Duty.

Survey.
Plot.

Recorded.

Evidence of
survey and
plot.

Officers
sworn.

SECTION 2. *Be it further enacted as aforesaid,* That the commissioners hereby appointed and their successors in office, to be chosen as hereinafter provided, shall be a body politic and corporate in fact and in law by the name of the Commissioners of the Town of Laurel, and may sue and be sued by that name. They shall, in addition to the power hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stove-pipe, fixture, or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be repaired, remedied, or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bon-fires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys, or other persons

Commis-
sioners
incorpor-
ated.

Name.

Corporate
powers.

Nuisances.

OF CITIES AND TOWNS.

within the town, and generally they shall have all the powers which by any law of this State are conferred on the commissioners of the town of Dover.

Commissioners.
Term of
office.

Election.
When and
where held.
Qualifi-
cations.

Certificates
of elections.
Who enti-
tled to vote.

Judges.

Vacancies.
How filled.

SECTION 3. *Be it further enacted as aforesaid,* That the commissioners herein named shall continue in office until the first Wednesday in March, A. D. 1884, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Laurel, at the Academy therein, from the hour of two till the hour of four o'clock P. M., for five commissioners, who shall be residents of said town and freeholders therein. The said election shall be held by two persons chosen by the persons entitled to vote present, who shall receive the ballots, ascertain the result, and certify the same in the books of the commissioners. At such election every male taxable of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote. The persons aforesaid holding the election shall be the judges of said election, and shall decide on the legality of the votes offered. Which said commissioners shall hold their office for the term of one year, or until their successors are elected; and if any vacancies shall occur in said board of commissioners, by death, resignation, refusal to serve, or otherwise, of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Stated
meetings.

When held.

Powers and
duties of
commis-
sioners in
relation to
streets, &c.

Proviso.

May impose
fines, etc.

Special
meetings.

SECTION 4. *Be it further enacted as aforesaid,* That there shall be four stated meetings in every year of the said commissioners, viz: on the last Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees; the repairs and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments and general welfare as said commissioners may deem proper; *provided* the same be not repugnant to the constitution and laws of this State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection. Also the commissioners shall have authority to call special meetings of the commissioners whenever they may deem such meetings necessary; and at such meetings they shall have the right to transact any business that they may have

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authority to transact at regular meetings; and the commissioners shall receive for their services one dollar each for each of the four regular meetings, but no compensation for services at special meetings. The said commissioners shall, at their first meeting after their election, elect one of their number as president of said board of commissioners, whose duty it shall be to preside at the meetings of council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town commissioners, receive complaints of nuisances and other complaints of citizens of violations of laws and ordinances and present the same to the commissioners at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Laurel which, by Section 1 of Chapter 51 of the Revised Code, a license therefor is required. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners.

Compensation for stated meetings
No compensation for special.
Election of president of board of commissioners.
Duties.

SECTION 5. *Be it further enacted as aforesaid,* That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding five hundred dollars, including tax on real and personal property, poll tax, and tax on dogs; and shall appoint one or more assessors, who may or may not be of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer. It shall be the duty of the assessor or assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning such estate within its limits, at at least one dollar per head, and also to ascertain the number of dogs within said town and the owners of such dogs, assessing each male dog at fifty cents and each female dog at one dollar to the owner or keeper thereof. And the said assessor or assessors shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the name of all the persons assessed

Commissioners shall determine amount of taxes.
Not exceeding \$500.
What to include.
Assessors.
Collector and treasurer.
Duties of assessors.
Assessments.

Duplicate.

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and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from said assessments. They shall have power on such day to add to or decrease any assessment except that of dogs and poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount, deducting commissions and delinquencies (which shall be allowed by the commissioners), to the treasurer by the first day of September next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes. *Provided, however,* that in making said assessment for the town of Laurel that all machinery in any manufactory now in said town, or that may hereafter be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

SECTION 6. *And be it further enacted as aforesaid,* That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them. *Provided* that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized [to raise] by taxation and collect from the county.

SECTION 7. *Be it enacted as aforesaid,* That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with, in three months, the commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out

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of the personal or real estate of the person in default, situate in said town. The sale may be made by any person whom the commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer, for the use of the town, but if there be any surplus, after meeting the claim for which the sale was made, such surplus shall be paid to the person in default. The commissioners shall allow reasonable fees for seizing the property and making sale.

SECTION 8. *Be it further enacted as aforesaid,* That the president and commissioners, for the time being, shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than three hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Laurel for the use of said town.

Superintendence of roads and streets.
Annual appropriation by Levy Court Amount. Payment.

SECTION 9. *Be it further enacted as aforesaid,* That the treasurer and collector shall be severally sworn, or affirmed, to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the board of commissioners. They shall, also, before entering upon the duties of their office, give bond to the town of Laurel with sufficient surety, to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said office and for the payment to their successor in office of all sums of money belonging to said town which may remain in their hands upon the settlements of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said commissioners and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually

Treasurer and collector sworn.
Oath. By whom administered.
Bond, how approved.
Penalty.
Condition.
Warrant of attorney annexed.
Orders on treasurer. How drawn.
Annual settlements.

OF CITIES AND TOWNS.

Compensation to town officers.

Proviso.

Rate of compensation.

in the month of February, and oftener and at such other times as the said commissioners may require. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services to be determined by the commissioners of said town; *provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Alderman. When and how chosen.

Qualification.

Term.

Removal.

Sworn or affirmed.

SECTION 10. *Be it further enacted as aforesaid,* That the town commissioners, at their first meeting, or as soon thereafter as convenient, shall, annually, proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Laurel, who may or may not be a justice of the peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members of the board of town commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the board of commissioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections 3 and 4 of the act to incorporate the town of Milton, passed at Dover, March 3d, A. D. 1881, shall apply to and are hereby extended and applied to the said alderman of the town of Laurel.

Town constables.

Removal.

SECTION 11. *Be it further enacted as aforesaid,* That the commissioners of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The commissioners of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Town clerk. His record evidence.

SECTION 12. *Be it further enacted as aforesaid,* That the commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Duties of alderman and constable.

SECTION 13. *Be it further enacted as aforesaid,* That it shall be the duty of the alderman of said town, and of the

OF CITIES AND TOWNS.

constable of Sussex county residing in said town, and of the town constable, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gatherings of persons in or about any building used for any fair, festival, concert or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and, upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so com-

Punishment
for certain
offenses.

Discretion of
alderman.
When.

Compensa-
tion to offi-
cers.

OF CITIES AND TOWNS.

Proviso.

mitted as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Laurel. And in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.

SECTION 14. *Be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1883.

CHAPTER 194.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to reincorporate the Town of Dover,'" passed at Dover, February 27th, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Chapter 495, Volume 16, amended by adding a section. One kind of material to be used on streets.

SECTION 1. That the following be added as an additional section to Chapter 495 of Volume 16 of the Laws of Delaware:

"SECTION 4. *Provided, however*, that in making the improvement on any of the streets contemplated by the act to which this is an amendment, the same kind of material shall be used on any one street from one end to the other, so that there shall be a uniformity in the class of material used; *and provided further*, that the town council may elect to pave with stone, macadamize, or shell with oyster shells any street, or portion of a street, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used."

Council to elect in matter of paving streets.

Passed at Dover, April 18, 1883.

OF CITIES AND TOWNS.

CHAPTER 195.

OF CITIES AND TOWNS.

AN ACT to further supplement and amend the act Incorporating the
Town of Lewes.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met (two-thirds
of each branch thereof concurring):*

SECTION 1. The commissioners of Lewes to be elected at the annual election in 1884 are hereby authorized and empowered, if they deem it expedient, to cause a new survey of Shipcarpenter street in said town to be made, and to make such amendments or corrections on the town plot now in the possession of the present commissioners as may be rendered necessary by reason of such new survey. *Provided* that the survey, if made, shall be made before the 1st day of March, 1884. *Provided further*, that for any damage that may be sustained by any owner or owners of property by the new survey, as provided for in this act, due compensation shall be made by the town of Lewes.

Chapter 114,
Volume 14,
amended.
New survey
of Shipcar-
penter street
Proviso.
When sur-
vey to be
made.
Compensa-
tion.

SECTION 2. The recording of the town plot and survey, as authorized by Section 4 of the act entitled "An act to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled 'An act to incorporate the town of Lewes, and for other purposes,' " as amended by Chapter 535 and republished in Chapter 536 of the same volume, passed at the present session, is hereby postponed until after the 1st day of March, 1884. *Provided, however*, that the same shall be lodged for record before the 1st day of April, 1884.

Recording
town plot
and survey
to be post-
poned.
Proviso.

Passed at Dover, April 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 196.

OF CITIES AND TOWNS.

A SUPPLEMENT to an act entitled "An act to amend an act to incorporate the Town of Newport," passed at Dover, April 7, 1873, as amended April 10th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 191
of current
volume
amended.

SECTION 1. That the last seven* words of Section 1 of the amended act, passed April 10th, 1883, viz: the words "the town tax last assessed to him," be stricken out and the following words inserted in lieu thereof, viz: "a town tax for the year previous to said election."

Passed at Dover, April 19, 1883.

CHAPTER 197.

OF CITIES AND TOWNS.

A Further Supplement to the act entitled "An act in relation to the Town of Smyrna," passed at Dover, February 25, 1859.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Authority to
borrow not
exceeding
\$20,000.

Purpose.

May issue
bonds.
Rate of in-
terest. Pay-
able semi-
annually.

SECTION 1. That the "Commissioners of the Town of Smyrna" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners (two-thirds thereof concurring), on the faith of the said town of Smyrna, to borrow a sum of money not exceeding twenty thousand (\$20,000) dollars, and which shall be appropriated, applied and expended for the purpose of supplying the said town with water. Said commissioners shall also have authority to issue bonds therefor at a rate of interest not exceeding six per cent. per annum, in such amounts as they may deem best, payable semi-annually; the principal of

*So enrolled

OF CITIES AND TOWNS.

said bonds to be made payable at such time or times not exceeding ten years from their date, and in such manner as shall be prescribed by the said commissioners. The form for said bonds shall be prescribed by said commissioners, which shall be signed by the president of the commissioners of the town of Smyrna and treasurer of said town, and sealed with the corporate seal of said corporation, and shall be exempt from State, county and municipal taxation.

Principal.
When payable.
Form of
bonds. How
executed.
Exempt
from taxation

SECTION 2. That whenever the "Commissioners of the Town of Smyrna" shall deem it necessary or expedient to obtain or acquire any land for the purpose of supplying the said town of Smyrna with water, that is to say, for digging wells, erecting water works, constructing basins, or reservoirs, or any other matter essential to supplying the said town with water, and such land cannot be procured by agreement between the said commissioners and the owner or owners thereof, the same may be taken for the purpose aforesaid in the same manner and subject to the same conditions and proceedings as are now prescribed by law in relation to the town of Smyrna for condemning and taking land for the purpose of laying out, opening, extending or widening any street, road, square, lane or alley in said town.

When land
may be condemned for
water purposes.
Procedure
in condemning.

SECTION 3. That before the provisions of this act shall go into effect the sum or sums of money proposed to be borrowed by the said commissioners under this act shall be submitted to and approved by a majority of the qualified voters of the town of Smyrna present at any town meeting which the commissioners of the town of Smyrna are hereby authorized to call from time to time as they shall deem necessary; and at any such meeting each qualified voter shall have a right to cast one vote for every dollar and every fractional part of a dollar of town tax which is or may be assessed for the year 1883.

The question of loan to be submitted to vote of citizens.

Passed at Dover, April 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 198.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Town of St. Georges,' passed at Dover, March 6, 1877."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Chapter 108,
Volume 16,
amended.

Duty of
road com-
missioners in
respect to
road taxes.

SECTION 1. That the act entitled "A supplement to the act entitled 'An act to incorporate the town of St. Georges,' passed at Dover, March 6, 1877," be and the same is hereby amended by striking out of Section 4 thereof the words following, viz: "That the road commissioners of Red Lion hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of two hundred and fifty dollars (\$250), for each and every year, to be paid to the council of St. Georges," and substituting in lieu thereof the following words, to wit: "That the road commissioners of Red Lion hundred be and they are hereby directed to pay the whole of the road taxes assessed and collected in the town of St. Georges for each and every year to the council of the town of St. Georges."

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 20, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 199.

OF THE CITY OF WILMINGTON.

AN ACT to convert that part of the Turnpike of the President, Managers and Company of the Wilmington and Christiana Turnpike Road, within the limits of the City of Wilmington, into a free public highway or street.

WHEREAS that part of the turnpike of the President, ^{Preamble.} Managers and Company of the Wilmington and Christiana Turnpike Road, lying and being within the limits of the City of Wilmington, from the number of streets crossing the same, of buildings erected on each side thereof, and of drains, water and gas pipes laid therein, has become as one of the public streets in said city; and whereas it is considered that the public good and private interests will be best promoted by converting that part of said turnpike into a free public highway or street; and whereas such is the desire of the President, Managers and Company of the Wilmington and Christiana Turnpike Road; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That that part of the turnpike of the President, Managers and Company of the Wilmington and Christiana Turnpike Road lying and being within the limits of the City of Wilmington is hereby declared to be a free public highway or street, and as such shall be maintained, repaired, managed and controlled as other streets now are in said city. ^{Turnpike a free public highway.}

SECTION 2. That the said company shall make, execute ^{Duties of company.} and deliver any and all writings, papers and instruments, and do and perform every act, matter and thing that properly may be necessary to secure said city the use and control of said part of said road, at the proper cost and charge of said city. ^{City not liable for debts of company.} Said city shall in nowise be liable for any of the debts, contracts or engagements of said company.

SECTION 3. That nothing herein contained shall in any way affect any other of the property, rights, franchises, privileges or powers of the said turnpike company.

Passed at Dover, February 9, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 200.

OF THE CITY OF WILMINGTON.

AN ACT authorizing "The Mayor and Council of Wilmington" to Borrow Twenty Thousand Dollars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Authority to
borrow
\$20,000.

SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized, under an ordinance of the council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to borrow, upon the faith and credit of the city, the sum of twenty thousand dollars, to be applied and expended under the direction of the Board of Public Education in Wilmington, in building and furnishing additional school houses in the said city. The money borrowed under the provisions of this act being intended to pay to the said Board of Public Education a balance of twenty thousand dollars now due to the said board of moneys borrowed under the provisions of an act entitled "A further supplement to the act for the benefit of public schools in Wilmington," passed at Dover, April 8th, A. D. 1881.

How applied

Object of
loan.

Certificates
of indebted-
ness.

Annual ap-
propriations.

When pay-
able.

SECTION 2. The Mayor and Council of Wilmington shall have power to issue certificates of indebtedness to secure the repayment of the said twenty thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, in two equal installments; and the council of Wilmington shall, in making the annual appropriations, include therein any portion or installments of said certificates of indebtedness with the interest due thereon, which may be payable in the fiscal year for which such appropriations are made. The first installment shall be payable on the first day of August, A. D. 1883, and the second installment thereof shall be payable on the first day of August, A. D. 1884.

Passed at Dover, February 12, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 201.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow Sixty Thousand Dollars and to provide for the payment thereof.

WHEREAS it is found to be necessary in order that the citizens of Wilmington may be amply supplied with good and wholesome water and the water department of said city brought to a proper state of efficiency, that authority should be obtained from the General Assembly of the State of Delaware to enable "The Mayor and Council of Wilmington" to borrow the sum of sixty thousand dollars to pay for certain water rights in the Brandywine creek which the city council of said city has contracted to purchase for the price named; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized under an ordinance of the city council to be passed with the concurrence of a majority of all the members thereof for the time being, at any time hereafter to borrow, upon the faith and credit of the city, the sum of sixty thousand dollars, to be applied to the purpose and object specified in Section 3 of this act, and shall have power to issue bonds to secure the repayment of the money so authorized to be borrowed, and shall fix the rate of interest payable on said bonds.

SECTION 2. The bonds which shall be issued under the provisions of this act shall be of the denomination of fifty dollars and multiples of fifty dollars, and shall be divided into numbered series, and made payable, with any interest which may be due thereon, in manner following, to wit: No. 118, for seven thousand four hundred dollars, to fall due and become payable October 1st, A. D. 1913; No. 119, for thirty-two thousand seven hundred dollars, to fall due and become payable April 1st, A. D. 1914; No. 120, for nineteen thousand and nine hundred dollars, to fall due and become payable October 1st, A. D. 1914. The city council of Wilmington

OF THE CITY OF WILMINGTON.

CHAPTER 200.

OF THE CITY OF WILMINGTON.

AN ACT authorizing "The Mayor and Council of Wilmington" to Borrow Twenty Thousand Dollars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Authority to
borrow
\$20,000.

SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized, under an ordinance of the council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to borrow, upon the faith and credit of the city, the sum of twenty thousand dollars, to be

How applied

Object of
loan.

applied and expended under the direction of the Board of Public Education in Wilmington, in building and furnishing additional school houses in the said city. The money borrowed under the provisions of this act being intended to pay to the said Board of Public Education a balance of twenty thousand dollars now due to the said board of moneys borrowed under the provisions of an act entitled "A further supplement to the act for the benefit of public schools in Wilmington," passed at Dover, April 8th, A. D. 1881.

Certificates
of indebted-
ness.

SECTION 2. The Mayor and Council of Wilmington shall have power to issue certificates of indebtedness to secure the repayment of the said twenty thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, in two equal installments; and the council of Wilmington shall, in making the annual appropriations, include therein any portion or installments of said certificates of indebtedness with the interest due thereon, which may be payable in the fiscal year for which such appropriations are made. The first installment shall be payable on the first day of August, A. D. 1883, and the second installment thereof shall be payable on the first day of August, A. D. 1884.

Annual ap-
propriations.

When pay-
able.

Passed at Dover, February 12, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 201.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow Sixty Thousand Dollars and to provide for the payment thereof.

WHEREAS it is found to be necessary in order that the citizens of Wilmington may be amply supplied with good and wholesome water and the water department of said city brought to a proper state of efficiency, that authority should be obtained from the General Assembly of the State of Delaware to enable "The Mayor and Council of Wilmington" to borrow the sum of sixty thousand dollars to pay for certain water rights in the Brandywine creek which the city council of said city has contracted to purchase for the price named; now therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized under an ordinance of the city council to be passed with the concurrence of a majority of all the members thereof for the time being, at any time hereafter to borrow, upon the faith and credit of the city, the sum of sixty thousand dollars, to be applied to the purpose and object specified in Section 3 of this act, and shall have power to issue bonds to secure the repayment of the money so authorized to be borrowed, and shall fix the rate of interest payable on said bonds.

Authority to borrow \$60,000 and to issue bonds securing the same

SECTION 2. The bonds which shall be issued under the provisions of this act shall be of the denomination of fifty dollars and multiples of fifty dollars, and shall be divided into numbered series, and made payable, with any interest which may be due thereon, in manner following, to wit: No. 118, for seven thousand four hundred dollars, to fall due and become payable October 1st, A. D. 1913; No. 119, for thirty-two thousand seven hundred dollars, to fall due and become payable April 1st, A. D. 1914; No. 120, for nineteen thousand and nine hundred dollars, to fall due and become payable October 1st, A. D. 1914. The city council of Wilmington

Denomination and character of bonds.

Series Nos. 118, 119, 120. When payable.

OF THE CITY OF WILMINGTON.

Annual ap-
propriations
to include
sufficient to
redeem
bonds due.

shall, in making its annual appropriations for any of the fiscal years in which any of the above series of bonds shall fall due, include in said appropriations a sum of money sufficient for the redemption of the same and any interest that may be due.

Purposes of
loan.

SECTION 3. The money borrowed under the provisions of this act shall be used only for the purchase of water rights in the south long race in said city, contracted for at that price by the city council of said city.

Passed at Dover, April 3, 1883.

CHAPTER 202.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the Council of Wilmington to sell and convey certain Real Estate in the said city.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):

Authority to
convey cer-
tain real
estate.

SECTION 1. That the Mayor and Council of Wilmington shall have power and authority and are hereby authorized under an ordinance of council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to sell and convey in fee all that portion of the real estate belonging to the said city lying and being between Twelfth and Thirteenth and Orange and Tatnall streets in said city. Such sale may be either for cash or upon a credit, to be secured by the bond and mortgage of the purchaser or purchasers, and such real estate may be sold either in the entirety or by parcels as council may in such ordinance direct.

Terms.

Proceeds of
sale. How
applied.

SECTION 2. The proceeds of the sale of said real estate shall be used to purchase other sand lots for the use of the said City of Wilmington, and the City Council is hereby authorized to make such purchase and to take the title to the same in fee simple. Any surplus which may remain unex-

Title.

OF THE CITY OF WILMINGTON:

pended, after such purchase or purchases, shall be paid to the Commissioners of the Sinking Fund of the City of Wilmington, to be by them expended in the purchase or redemption of the bonds of said city, or such surplus may be expended in making a payment on account of any debt of said city which will reduce the amount of any loan authorized by law, and such authorized loan shall be reduced accordingly. Surplus.
How applied

Passed at Dover, April 18, 1883.

CHAPTER 203.

OF THE CITY OF WILMINGTON.

AN ACT to vacate Sixteenth Street, from the southerly side of Scott Street to the northerly side of DuPont Street, in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):

SECTION 1. For the purpose following: "The Baltimore and Philadelphia Railroad Company" to erect buildings for depot and other purposes between Scott street and Dupont street and between Fourteenth street and Delaware avenue in the city of Wilmington. So much of Sixteenth street in said city as lies between Scott street and DuPont street and between Fourteenth street and Delaware avenue is hereby vacated, and "The Baltimore and Philadelphia Railroad Company" is hereby authorized to enclose and build upon the same: *Provided* that the said depot buildings shall be so located or erected in whole or in part before the first day of May, 1886. B. & P. R.
R. Co. to
erect depot,
etc.

Part of a
certain
street va-
cated.

Proviso.

Passed at Dover, April 19, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 204.

OF THE CITY OF WILMINGTON.

AN ACT to provide for Public Parks for the use of the Citizens of Wilmington and its vicinity.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

May acquire
real estate,
etc. Object.

SECTION 1. That the Mayor and Council of Wilmington shall have power to take and acquire lands, either by deed or devise, and to receive and accept all donations of money by gift or legacy, for the purpose of providing and maintaining one or more open places or parks for the promotion of the health and recreation of the people of the City of Wilmington and its vicinity; and that lands within the corporate limits of the said city, or within two miles from the boundaries thereof, may be purchased or acquired by, and conveyed or devised to, and the title to and ownership of said lands be vested in the said The Mayor and Council of Wilmington for the purposes aforesaid.

Title. How
vested.

Board of
park com-
missioners.

SECTION 2. That William P. Bancroft, George H. Bates, Thomas F. Bayard, Edward Betts, Francis N. Buck, George W. Bush, William M. Canby, Joseph L. Carpenter, Jr., Henry A. DuPont, J. Taylor Gause, and their successors, who shall be appointed as hereinafter provided, together with the Mayor of the City of Wilmington, the President, and the Chairman of the Finance Committee, of the City Council, and the Chief Engineer of the Surveying Department of said city, for the time being, are hereby created and constituted a Board of Park Commissioners. The said mayor, president, chairman, and chief engineer shall be *ex-officio* members of the said board. The said commissioners shall organize on or before the first day of January, 1884, by the election of a president, who shall be a member, and of a secretary and treasurer, who may or may not be members of the board, and shall immediately proceed to classify the first ten commissioners above named as follows: two of said commissioners shall be selected by lot to serve until the expiration of one year; two to serve until the expiration of two years; two to serve until the expiration of three years; two to serve until the expiration of four years; and two to serve until the expiration of five years from the

Organiza-
tion.
Election of
officers.

Terms of
commis-
sioners.

OF THE CITY OF WILMINGTON.

said first day of January, 1884; and whenever a vacancy shall occur among any of the commissioners, who shall have been classified as herein directed, by expiration of a term of service, or otherwise, the same shall be filled by the Associate Judge of the Superior Court of Delaware residing in New Castle county, who shall appoint a successor, and every such appointment shall be for the term of five years, unless when made to fill an unexpired term. No commissioner shall receive any compensation for his services as a member of the board. The treasurer shall, before he enters upon the duties of his office, give bond to the Mayor and Council of Wilmington in such amount as shall be determined by the said board of commissioners, with surety to be approved by the president and one other member of the said board, conditioned for the faithful performance of the duties of his office, and with a warrant of attorney for the confession of judgment annexed thereto.

Vacancies.
How filled.

No compensation.

Bond of treasurer.

Condition.

Warrant of attorney.

SECTION 3. That as soon as the said commissioners shall have fully organized, they shall have the care and management of all lands the title to and ownership of which shall, after the passage of this act, become vested in The Mayor and Council of Wilmington to be laid out and used as a public park; and they shall have the power to adopt and execute all necessary and proper plans for the maintenance and improvement of, and to supervise the expenditure of all moneys which may be given or appropriated for laying out, improving or adorning the same. And the City Council of Wilmington may confer upon the said board, and the board may accept the care and management, from time to time, of any other grounds now appropriated or hereafter to be appropriated for park purposes for the use of the said city. But the said board shall not contract any debts the total amount whereof shall be in excess of its annual income or receipts, or which shall not be paid out of the annual appropriation made for its use by the City Council of Wilmington. All land and property which shall be held, laid out, and used for maintaining any public park, or which shall be purchased or acquired for such use or purpose, shall be forever free from state, county and city taxation so long as used for such purpose. No county road, street, railway, sewer, water or gas pipes, telegraph or telephone wires, shall be laid out, opened, extended over, under, above or through any park under the control and care of the said Board of Park Commissioners without their approval and consent.

Commissioners.
Powers and duties.

Park property.

Exempt from taxation.

OF THE CITY OF WILMINGTON.

Council shall include in its annual estimates sums for park purposes.

SECTION 4. That the City Council of Wilmington shall in the next estimate of the probable revenue and expenses of the city made after the passage of this act, and in every year thereafter, cause to be included in the said estimate such sum as they may deem necessary and expedient for the improvement, management and care of any park which may have been acquired by the said The Mayor and Council of Wilmington, to be used and laid out by the said commissioners under the authority of this act, and every sum so estimated for the use of such park, as aforesaid, shall be appropriated by the council and paid over to the Board of Park Commissioners.

Appropriation. To whom paid.

Council authorized to purchase lands.

SECTION 5. Whenever a majority of the said board of commissioners shall recommend to the city council the purchase or acquisition of any land for the purpose of opening a public park, or for the extension of the area of any park which shall have been theretofore laid out and opened for public use, the council shall have power to provide by ordinance for such purchase, and if The Mayor and Council of Wilmington shall be unable to amicably agree with the owner or owners of any land which may have been selected by the commissioners for the purpose aforesaid, then so much of said land as may be required, and which shall be adequately described, may be taken for said purpose in the same manner and subject to the same conditions and proceedings as are prescribed for condemning and taking land for the purpose of extending, widening, laying out, or opening streets in the said city. And any sum of money which may be agreed upon or assessed as the value of the land aforesaid, or any portion thereof the payment of which shall not have been provided for, shall be included in the next annual estimates and appropriations of the city council to be made thereafter.

Condemnation proceedings.

Purchase money, how paid.

Proviso.

Provided that nothing contained in this act shall authorize the condemnation of any water rights; *and provided further*, that the amount appropriated by the city council in any one year for the payment of land purchased or condemned under this section shall not exceed the sum of ten thousand dollars, and that the city council shall have power to borrow said sum by note or bond, if necessary, in anticipation of the annual estimates and appropriations.

Jurisdiction of mayor and council.

SECTION 6. That for the better preservation of the public peace and order the municipal jurisdiction of the Mayor and Council of Wilmington shall extend over and include any

OF THE CITY OF WILMINGTON.

park which shall be laid out and opened under the authority of this act, and also include and extend over the territory lying between such park and the boundaries of the City of Wilmington, and all laws, ordinances, rules and regulations of the said city shall apply to and be enforced in and about the said park and territory as effectually as if the same were included within the limits of the said city; and the board of commissioners shall have power to appoint such special policemen as they may deem necessary, who shall have the same power and authority as are exercised by the policemen of the City of Wilmington and the constables of New Castle county. The board of commissioners shall, from time to time, appoint such officers, agents and subordinates as they may deem necessary for the proper management and care of any park under their control, and prescribe their duties and the compensation to be paid to them.

Powers of
commissioners.

SECTION 7. The said board of commissioners shall have power to make all needful rules and regulations for the government and use of any park under their control not inconsistent with the laws and constitution of the United States or of the State of Delaware or with the ordinances of the City of Wilmington; and any person who shall violate any of said rules and regulations shall be guilty of a misdemeanor, and shall pay such fine as may be prescribed by said board of commissioners, not to exceed ten dollars for each and every violation thereof, to be recovered before the mayor of the said city, or any justice of the peace in New Castle county, as debts of that amount are recoverable, which fines shall be paid into the city treasury. No intoxicating liquors shall be sold in any public park, and no meeting of any kind, assembled through advertisement, shall be permitted in any such park without the license or permission of the board of commissioners; nor shall any gathering or meeting for political purposes in any such park be permitted at any time.

Regulations.

Penalty for
violation.
Misdemeanor.
Fine.

How recovered.

SECTION 8. The president of the said Board of Park Commissioners shall make annual report, in writing, to the city council of the operations of the said board, together with a statement of its receipts and expenditures for and during the preceding year. They may make all needful by-laws for the government of the said board. If any member of said board, after having accepted an appointment thereto, shall

Annual reports.

By-laws.

OF THE CITY OF WILMINGTON.

Removal. refuse or neglect to serve as a commissioner, he may be removed and his place declared vacant by a vote of two-thirds of all the members of the said board.

Passed at Dover, March 13, 1883.

CHAPTER 205.

OF THE CITY OF WILMINGTON.

AN ACT to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:

Rights and powers of the board of water commissioners.

SECTION 1. The City of Wilmington is hereby authorized, through the agency of a Board of Water Commissioners hereby created, constituted and appointed, and their successors in office, to take, convey into and throughout said city the water of the Brandywine river, from any point on said river, or other wholesome water, and may also acquire and hold lands, real estate, or personal property necessary for constructing aqueducts, laying pipe, constructing reservoirs, erecting buildings and machinery proper for the said works, and for purifying, conducting, storing and distributing such water, and to purchase, take and hold lands and water rights for supplying the citizens with good and wholesome water.

Commissioners.

SECTION 2. That William T. Porter, Caesar A. Rodney and Lewis Paynter, of the City of Wilmington and State of Delaware, are hereby appointed and constituted a Board of Water Commissioners for the said city under this act, with full powers to act as such for the term of two, four and six years, as hereinafter specified, respectively, or until their successors shall be duly appointed. At the first meeting after the passage of this act said commissioners shall determine their terms by lot, and shall certify the result in duplicate to the city council and to the Recorder of Deeds for New Castle county. The said certificate shall be recorded by the said

Terms of office.

OF THE CITY OF WILMINGTON.

Recorder of Deeds, and the original, or the record thereof, or a duly certified copy of the record, shall be evidence in all the courts of this state or elsewhere. The commissioner who draws the two years' term shall serve to and until the first day of July, A. D. 1885; the commissioner who draws the four years' term shall serve until the first day of July, A. D. 1887; and the commissioner who draws the six years' term shall serve until the first day of July, A. D. 1889. At the expiration of the term of the said commissioner who shall draw the shortest term, and bi-ennially thereafter, the place of the retiring commissioner shall be filled by appointment by the Mayor of the City of Wilmington, for the term of six years. Certificate evidence.
Vacancy.
How filled.

No person shall be eligible to appointment as a member of said board who shall not be a citizen of the United States, a qualified voter of this State, and a resident of the City of Wilmington for the last five years next preceding his appointment. Any member of said board may be removed for cause by the mayor of said city with the concurrence of two-thirds of the whole city council. The reasons for the removal shall be entered in the journal. No person shall hold any other municipal office during his membership in said board. The said board shall have power to fill any vacancies in its own membership for the unexpired term, but all the members of said board shall not, at any one time, belong to the same political party. Qualifications.
Removal.

Each member of said board shall, before entering upon his duties, in addition to any oath required to be taken by other municipal officers, take and subscribe, and file in the office of the mayor of the said city, an oath or affirmation that he will faithfully perform his duties as a water commissioner of said city, and that he will neither be concerned or interested pecuniarily in any contract for work or materials furnished for or about the erection, construction or repairs of said water works while a member of said board; and further, that he will not be controlled in any vote or action, as a member of said board, by political or partisan considerations. Oath, where filed.

SECTION 3. Within ten days after the passage of this act, the said Board of Water Commissioners hereby constituted shall assemble and organize by selecting one of their number to preside over its deliberations. Organization.

The Registrar or Chief Clerk of the Water Department, for the time being, shall be also secretary of said board.

OF THE CITY OF WILMINGTON.

Salaries of
commissioners.

Privileges in
construction
of aqueducts
and control
of water
supply, etc.

SECTION 4. The said Board of Water Commissioners shall be paid for their services from the passage of this act, yearly salaries as follows, viz: To each, the annual sum of three hundred dollars (\$300), payable quarterly. The said city may, by the agency aforesaid, construct any aqueduct over or under any water course, street, road, or railroad, in such manner as not necessarily to obstruct travel thereon, and may enter upon and dig up any such street, road, or railroad, for the purpose of laying down pipes beneath the surface, and for repairing the same, and in general, do all things necessary and proper for carrying this act into effect. The said Board of Water Commissioners shall have control of all matters relating to water supply in the City of Wilmington, of the management and direction of the water works now existing or hereafter to be constructed in connection therewith; shall have charge and supervision of all the mains, stop-cocks and fire hydrants and other fixtures appertaining to the distribution of water through the city, and of the collection of all revenue due, or to become due, to the City of Wilmington for water, or accruing to the said city on account of the water works thereof, in virtue of any ordinances now existing, or of any rules and regulations hereafter to be passed by said board.

Present ordi-
nances in
effect.

Officers of
water de-
partment.

Books.

Duties of
board.

SECTION 5. The ordinances of said city now in force, relating thereto, shall continue in force until the same are changed, in whole or in part, by the said board of commissioners, and all officers of the water department of said city shall be, from the time of the organization of said board of commissioners, under and subject to the control of said board; and the terms of office of all the said officers are hereby made subject to termination at the pleasure of said board, and all such officers shall continue to perform the duties now devolved upon them by the ordinances of said city until the board shall otherwise direct; and all books, accounts and property connected with the water department of said city, or any office therein, shall be used and disposed of according to the directions of said board.

The said board shall keep, or cause to be kept, a full and true account, in suitable books, of all permits issued for the use of water, and all money received on account of the use of the water, according to the provisions of any ordinance of the city now in force, or of any rules or regulations hereafter to be passed by said board, and for all labor performed or materials or supplies furnished.

OF THE CITY OF WILMINGTON.

SECTION 6. The said Board of Water Commissioners shall, at its discretion, appoint, employ and discharge all officers, agents, ministers and servants necessary for the management and service of the water works, and for the collection of the revenue arising therefrom, as herein provided, and shall determine the compensation to be paid to each one so employed; and said board shall make all the needful rules and regulations to govern its own deliberations and for the observance of the officers, agents, ministers and servants by it employed, and shall determine the penalty and condition of the bond to be given by each of such officers, agents, ministers and servants.

May appoint
and dis-
charge
officers, etc.

Further
powers.

SECTION 7. The said board shall, with all dispatch, prepare and resolve upon a plan for the permanent water works best suited to the circumstances of the City of Wilmington, capable of affording an ample daily supply for the inhabitants of the city, and may acquire for the City of Wilmington, by contract or otherwise, as hereinafter provided, all such real estate as may be needed for the construction of such extended water works, the title of any real estate so purchased to be vested in the Mayor and Council of Wilmington.

May acquire
real estate.

Title. How
vested.

SECTION 8. The doing of all work and the furnishing of all materials and supplies for the water works shall be let out by the Board of Water Commissioners to the lowest and best bidder, except in cases where it is not practicable to do such work or furnish such materials and supplies by contract. Notice that the board will receive proposals for such work, materials or supplies shall, in all cases, be published at least five times, the last publication to be at least three days before the opening of the bids, in two papers of the City of Wilmington. Such notice shall state the kind and the amount of the work to be done or furnished, the place where, and the period within which the bids will be received. Each bid must be signed by the bidder and be accompanied by an undertaking signed by the persons offered by the bidder as his sureties, who must, in all cases, be resident freeholders of the City of Wilmington, declaring their consent to be such sureties in the event of the contract being awarded to such bidder; and if any contract be so awarded, and such bidder shall fail to complete the execution of a contract therefor, with security for its performance approved by the said board, such bidder and the party or parties so undertaking for him,

Contract for
work and
materials.

Notice.

Contents.

What re-
quired of
bidders.

Penalty for
violation.

OF THE CITY OF WILMINGTON.

Salaries of
commis-
sioners.

Privileges in
construction
of aqueducts
and control
of water
supply, etc.

SECTION 4. The said Board of Water Commissioners shall be paid for their services from the passage of this act, yearly salaries as follows, viz: To each, the annual sum of three hundred dollars (\$300), payable quarterly. The said city may, by the agency aforesaid, construct any aqueduct over or under any water course, street, road, or railroad, in such manner as not necessarily to obstruct travel thereon, and may enter upon and dig up any such street, road, or railroad, for the purpose of laying down pipes beneath the surface, and for repairing the same, and in general, do all things necessary and proper for carrying this act into effect. The said Board of Water Commissioners shall have control of all matters relating to water supply in the City of Wilmington, of the management and direction of the water works now existing or hereafter to be constructed in connection therewith; shall have charge and supervision of all the mains, stop-cocks and fire hydrants and other fixtures appertaining to the distribution of water through the city, and of the collection of all revenue due, or to become due, to the City of Wilmington for water, or accruing to the said city on account of the water works thereof, in virtue of any ordinances now existing, or of any rules and regulations hereafter to be passed by said board.

Present ordi-
nances in
effect.

Officers of
water de-
partment.

Books.

Duties of
board.

SECTION 5. The ordinances of said city now in force, relating thereto, shall continue in force until the same are changed, in whole or in part, by the said board of commissioners, and all officers of the water department of said city shall be, from the time of the organization of said board of commissioners, under and subject to the control of said board; and the terms of office of all the said officers are hereby made subject to termination at the pleasure of said board, and all such officers shall continue to perform the duties now devolved upon them by the ordinances of said city until the board shall otherwise direct; and all books, accounts and property connected with the water department of said city, or any office therein, shall be used and disposed of according to the directions of said board.

The said board shall keep, or cause to be kept, a full and true account, in suitable books, of all permits issued for the use of water, and all money received on account of the use of the water, according to the provisions of any ordinance of the city now in force, or of any rules or regulations hereafter to be passed by said board, and for all labor performed or materials or supplies furnished.

OF THE CITY OF WILMINGTON.

SECTION 6. The said Board of Water Commissioners shall, at its discretion, appoint, employ and discharge all officers, agents, ministers and servants necessary for the management and service of the water works, and for the collection of the revenue arising therefrom, as herein provided, and shall determine the compensation to be paid to each one so employed; and said board shall make all the needful rules and regulations to govern its own deliberations and for the observance of the officers, agents, ministers and servants by it employed, and shall determine the penalty and condition of the bond to be given by each of such officers, agents, ministers and servants.

May appoint
and dis-
charge
officers, etc.

Further
powers.

SECTION 7. The said board shall, with all dispatch, prepare and resolve upon a plan for the permanent water works best suited to the circumstances of the City of Wilmington, capable of affording an ample daily supply for the inhabitants of the city, and may acquire for the City of Wilmington, by contract or otherwise, as hereinafter provided, all such real estate as may be needed for the construction of such extended water works, the title of any real estate so purchased to be vested in the Mayor and Council of Wilmington.

May acquire
real estate.

Title. How
vested.

SECTION 8. The doing of all work and the furnishing of all materials and supplies for the water works shall be let out by the Board of Water Commissioners to the lowest and best bidder, except in cases where it is not practicable to do such work or furnish such materials and supplies by contract. Notice that the board will receive proposals for such work, materials or supplies shall, in all cases, be published at least five times, the last publication to be at least three days before the opening of the bids, in two papers of the City of Wilmington. Such notice shall state the kind and the amount of the work to be done or furnished, the place where, and the period within which the bids will be received. Each bid must be signed by the bidder and be accompanied by an undertaking signed by the persons offered by the bidder as his sureties, who must, in all cases, be resident freeholders of the City of Wilmington, declaring their consent to be such sureties in the event of the contract being awarded to such bidder; and if any contract be so awarded, and such bidder shall fail to complete the execution of a contract therefor, with security for its performance approved by the said board, such bidder and the party or parties so undertaking for him,

Contract for
work and
materials.

Notice.

Contents.

What re-
quired of
bidders.

Penalty for
violation.

OF THE CITY OF WILMINGTON.

as aforesaid, shall be liable to pay to the City of Wilmington any damage that may be occasioned to said city by such failure.

Duties of
city auditor.

SECTION 9. The City Auditor shall examine all bills against said board, and indorse them as correct before they are presented to said board for payment. He shall also examine and countersign all drafts or orders, and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the Board of Water Commissioners at its ensuing meeting. The board shall thereupon, duly, carefully and publicly consider the case, and shall sustain or overrule his action by a unanimous vote of all the members of said board, whereupon it shall be the duty of the city auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book or books in which an exact and complete record of all accounts so paid shall be entered, keeping a debtor and credit account with all persons doing work for or furnishing goods to the said board in any manner.

Report.

Duties of
board.

Books of
auditor.
How kept.

Charges for
water.

SECTION 10. The said Board of Water Commissioners shall have the right to charge the City of Wilmington with all water furnished each fire hydrant at the rate of forty dollars per annum, or the city shall, in lieu thereof, pay to the water commissioners a sum of money as may be agreed upon by city council and said board, provided that in no case shall the city pay less than twenty thousand dollars per annum.

Misfeasance
of members.

SECTION 11. If any member of said Board of Water Commissioners, or any officer of said board, shall, at any time, apply to his own use any of the money which may come to his hands or under his control by virtue of this act, or which, being a part of the revenue for the use of the water furnished by said works, or the proceeds of the sale of the bonds by this act authorized, shall in any way come to his hands or under the control of any such member or officer, the person so offending, and his sureties, shall forfeit and pay to the City of Wilmington a sum of money which shall be two-fold greater than the sum of money so applied to the use of the offender, to be recovered by action on his official bond, or otherwise, as the case may be.

Forfeit.

How re-
covered.

OF THE CITY OF WILMINGTON.

SECTION 12. For the purpose of defraying all the cost of acquiring real estate for reservoirs, laying pipe, purchasing and establishing engines, constructing all the works contemplated by this act, and purchasing water rights, the City of Wilmington, on the requisition of said Board of Water Commissioners, shall issue bonds, each for the sum of one hundred dollars, or multiples of one hundred, payable in not more than thirty-five years from date of issue, to be denominated "Wilmington City Bonds," to an amount not exceeding one hundred and twenty thousand dollars, bearing interest not exceeding five and one-half per cent. per annum, and the Board of Water Commissioners may sell and dispose the same on the most advantageous terms possible, but no commission or other compensation shall be charged or paid to any member of said board for effecting the sale or negotiation of said bonds. All the aforesaid bonds shall be signed by the mayor and countersigned by the treasurer and city auditor, in the same manner as other city bonds, and the record thereof shall be made and kept by the city auditor and treasurer respectively. The said sum of one hundred and twenty thousand dollars shall be in addition to and exclusive of the sum of sixty thousand dollars authorized to be borrowed for the purchase of water rights for said city at the present session of the General Assembly; and in case the said board of commissioners shall, under the provisions of this act, take control of said water department before the issue of said bonds to the amount of sixty thousand dollars, it shall be the duty of the city council to complete the issue and sale of said bonds, and to use the proceeds of the same for the purchase of the water rights contracted for by said city council, and the board of commissioners shall have no authority to interfere with the same.

When city
may issue
bonds.

Amount.

Rate of
interest.

No commis-
sion allowed
for sale.
Bonds, how
executed.

Duty of city
council.

SECTION 13. The proceeds of the sale of all said bonds, and also the revenue derived from the water works, shall be received by said Board of Water Commissioners and placed on deposit in such bank at Wilmington as shall, from time to time, be the depository of the funds of the city to the credit of the said board; and all money to be disbursed thereon on account of said water works shall be drawn upon warrants, signed by the president of said board and countersigned by the city treasurer and city auditor.

Proceeds of
bonds de-
posited

Warrant.
How drawn.

SECTION 14. The water rates shall be fixed by the said Board of Water Commissioners at prices that shall produce

Water rates.
How ad-
justed.

OF THE CITY OF WILMINGTON.

Proviso.

Duties of
council.

revenue sufficient at least to pay the interest on the water bonds and the running expenses of the water works; *provided* that in no case shall a dwelling house having one hydrant in the yard or kitchen, or both, be charged more than five dollars; and the whole net income, rents and receipts of said water works in excess of what may be necessary for completing, constructing, operating and repairing the water works, for extending the water pipes, and for interest on water bonds, shall be set apart by the said board and solely appropriated to and for the payment of the principal and interest of the water bonds, and shall be applied solely to that purpose until the whole of said bonds be fully paid. The city council shall, during the month of December in each and every year, notify the Board of Water Commissioners of the amount of interest due and payable during the ensuing year on all loans created for the benefit of the water works, stating the time when due and the amount of interest payable. The Board of Water Commissioners shall pay to the city the amount of interest due in each year, such payment to be made at least ten days before said interest is payable to the holders of any water loans.

SECTION 15. This act shall take effect from its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 18, 1883.

CHAPTER 206.

OF THE CITY OF WILMINGTON.

AN ACT for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring) :

Commis-
sioners.

SECTION 1. That William T. Porter, Franklin B. Colton, George W. Bush, George A. LeMaistre and Washington Jones be and they are hereby constituted and appointed

OF THE CITY OF WILMINGTON.

commissioners to do and perform the matters and things ^{Duties.} hereinafter prescribed, that is to say: the said commissioners shall, within two years after the passage of this act, view the Christiana river from where the bridge of the Philadelphia, Wilmington and Baltimore Railroad Company crosses the same to the mouth thereof, and the Brandywine river from where the bridge known as the Market street bridge crosses the same to the mouth thereof, and that part of the River Delaware upon which the City of Wilmington fronts, and the shores and margins of said rivers within the limits aforesaid, and fix, alter, readjust, establish and determine lines beyond which no wharf, pier, bulkhead, or other structure or obstruction shall be erected, placed, or maintained in the tide-way of said rivers within the limits aforesaid.

SECTION 2. In the performance of the duties aforesaid ^{Commissioner's powers.} the said commissioners may, so far as they shall deem it practicable and expedient, ratify and adopt the lines established within the limits aforesaid pursuant to the act passed April 9th, 1869, entitled "A further supplement to the act entitled 'An act to regulate the building of wharves in the City of Wilmington,' passed at Dover, February 6th, 1855," but they shall have full power and authority to alter and change the same; or any part thereof; but all lines so ratified and adopted, and all lines so altered and changed, as well as all new lines fixed and established by the said commissioners, shall be described and plotted in the return of their proceedings hereinafter mentioned.

SECTION 3. The said commissioners, for the purpose of ^{May establish land marks.} ascertaining and establishing said lines, shall have power and authority to enter upon any lands adjacent to said rivers and there fix and establish such landmarks as they may deem necessary for the purpose aforesaid. And said commissioners, in the performance of their duties under this act, shall have authority to take to their assistance and employ such competent and skillful engineer or surveyor and other persons ^{Surveyor.} as they may deem necessary. The said commissioners, and the engineer or surveyor employed by them, before proceeding to the performance of their duties under this act, shall be severally sworn or affirmed to perform the same ^{Oath. By whom administered.} faithfully and impartially to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the

OF THE CITY OF WILMINGTON.

peace residing therein, and certificates thereof shall be annexed to the return of said commissioners and be recorded therewith.

Return duplicate.

Duplicate plots.

Where filed and recorded

Evidence.

Vacancies. How filled.

Compensation. How paid.

No wharf, pier, etc., allowed within certain limits.

Proviso.

SECTION 4. The said commissioners, as soon as conveniently may be after adjusting, determining and establishing such lines as aforesaid, shall make return of their proceedings in the premises, in duplicate, under their hands, or the hands of a majority of them, to the Council of Wilmington, together with duplicate plots, showing, distinctly, the said lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same. And the said council shall, thereupon, cause one of said returns and plots to be filed and preserved in the office of the Chief Engineer of said city, and the other of said returns and plots to be filed, preserved and recorded in the office of the Recorder of Deeds in and for New Castle county, and the said duplicate returns and plots, respectively, and the record thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes.

SECTION 5. The acts of a majority of said commissioners shall be valid as the acts of all of them; and any vacancy occurring in said commission, by death, resignation, or otherwise, shall be filled by the remaining commissioners. The Council of Wilmington shall fix the compensation of said commissioners, and provide for the payment of the same. The compensation of the engineer, surveyor, and other persons employed by said commissioners in the execution of their duties under this act shall be fixed by said commissioners, and provision for the payment of the same, as well as for the other necessary expenses of said commission, shall be made by the council of Wilmington, from time to time, upon certificates by said commissioners.

SECTION 6. From and after the making of said return by the said commissioners to the said council as aforesaid, no person shall erect, place, or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, or obstruction, beyond the lines established and determined by said commissioners in and by their return as aforesaid. *Provided, however,* that the establishment and determination of any such line or lines by said commissioners as aforesaid shall not render unlawful the maintenance of any wharf, pier, bulk-

OF THE CITY OF WILMINGTON.

head, or other structure which, before that time, had been erected or placed in the tideway of either of said rivers beyond such line or lines,

SECTION 7. From and after the passage of this act, no person shall erect, place or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, platform, or other structure supported on piles, piers, or abutments, in such manner as to leave open spaces between such piles, piers, or abutments above the level of low water, or construct or maintain any sluiceway or culvert above the level of low water in any wharf or other structure which has been, or may be, erected or placed in the tideway of said rivers, or either of them, within the limits aforesaid. Wharf separate from the main land not allowable.
Provided, that nothing contained in this section shall be construed to render unlawful the maintenance of any wharf, platform, or other structure heretofore erected or placed in the tideway of either of said rivers, supported on piles, piers, or abutments, as aforesaid, or to render unlawful the maintenance of any sluiceway or culvert heretofore constructed above the level of low water, as aforesaid, or to prevent the erection or maintenance of suitable piers for bridges that are, or may be, authorized by law, and nothing contained in this section shall apply to the River Delaware. Sluiceways not allowable. Proviso.

SECTION 8. From and after the appointment of Port Wardens, as hereinafter provided, no person shall erect, place or extend in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, without having first obtained therefor a license from said Port Wardens, as hereinafter provided. License from port wardens

SECTION 9. Any person violating any of the provisions of the foregoing sections six, seven and eight of this act, shall be guilty of a common nuisance, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery, shall be fined not less than one hundred dollars nor more than two thousand dollars, and in addition to the fine aforesaid the judgment of the court shall be that the defendant, within twenty days from the entry of said judgment, shall abate the said nuisance; and upon the entry of said judgment as aforesaid, said court shall issue an order to the Sheriff of New Castle county, commanding him, after the expiration of said twenty days, if the said nuisance shall not then have been abated, to abate the same, under the Penalty for violation.

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direction of the Port Wardens of the City of Wilmington, and further, that he levy and make of the goods and chattels, lands and tenements of the defendant the costs and expense of such abatement by said sheriff. *Provided, however,* that nothing herein contained shall be construed to limit or qualify the power of the Chancellor to restrain, by injunction, the erecting, placing or maintaining, in the tideway of the said rivers, or either of them, within the limits aforesaid, any wharf, platform, pier, bulkhead, or other structure or obstruction, or any culvert, or sluiceway, contrary to the provisions of this act.

Proviso.

Jurisdiction
of chancellor

Not to inter-
fere with
necessary
drainage.

SECTION 10. Nothing herein contained shall be taken or construed to prevent the Council of Wilmington from constructing and maintaining proper sluices, culverts and waterways, for the drainage of said city, or to prevent the present public drains or gutters from being emptied into the aforesaid rivers, or either of them, or to prevent the construction or maintenance of sluiceways or waterways for the drainage of marsh or low lands on said rivers.

Present
wharf lines.

SECTION 11. Nothing hereinbefore contained shall be construed to alter or change any of the wharf-lines established on either of said rivers, within the limits aforesaid, pursuant to any former act or acts of the General Assembly, until the return of the said commissioners shall be made as hereinbefore provided.

Willful in-
terference
with land
marks mis-
demeanor.

SECTION 12. If any person shall willfully break, pluck up, remove or deface any post, stone, or other landmark which may be fixed, set, established, or adopted by said commissioners or port wardens under the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than five hundred dollars. *Provided* nevertheless, that the council of Wilmington may, in any proper case, in its judgment, upon written application, by ordinance, accord to any person the right to remove any such post, stone or other land-mark, upon such terms and conditions as shall be prescribed in such ordinance, and as shall preserve the certainty of, and the means of ascertaining, the lines which may be established or adopted pursuant to the provisions of this act.

Proviso.

Election of
port wardens

SECTION 13. The Council of Wilmington shall, at its third stated meeting in June next, elect, by ballot, a Board of Port Wardens, consisting of five members, to hold office

OF THE CITY OF WILMINGTON.

as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, or until their successors are chosen. And the said council shall, annually, thereafter, in like manner, elect one port warden to succeed the one whose term of office shall have expired as aforesaid, and the person so elected shall hold office for five years, or until his successor is chosen. Whenever port wardens are to be elected as aforesaid, the Wilmington Board of Trade, a corporation of this State, shall nominate, in writing, at least five days before such election, at least two persons for each and every office to be filled as aforesaid, and the said council shall elect, as aforesaid, the requisite number of port wardens from the persons so nominated, and in case said corporation shall fail to make said nominations as aforesaid, said council shall elect such persons as they may deem proper. The said port wardens, before entering upon the duties of their office, shall be severally sworn or affirmed to perform the same faithfully and impartially, to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the peace residing therein, and certificates thereof shall be filed in the office of the clerk of said council. The said Board of Port Wardens shall annually elect one of their number Master Warden, who, when present, shall preside at the meetings of said board and shall perform such other duties as may be prescribed by any law of this State or ordinance of said city. The acts of a majority of said board shall be valid as the acts of all of them, and any vacancy occurring in said board, by death or resignation, shall be filled by the remaining members of said board.

Terms of office.

Mode of nomination.

Port wardens sworn.

Election of master warden.

Vacancies.

SECTION 14. Any person desiring to erect or extend in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, shall make application in writing to the Board of Port Wardens for a license therefor, and submit therewith a plan and specifications thereof; and if such erection or extension, may be lawfully made, said board shall grant its license in writing for such erection or extension. Before any wharf, pier, bulkhead, or other structure shall be erected or extended in pursuance of such license, the correct lines thereof shall, under the direction of said board, be furnished by the Chief Engineer of said city, who shall prepare a plan in duplicate of the location of such wharf, pier, bulkhead, or other structure, one of which shall be delivered to the person receiving

Application for license to erect wharf, etc.

Duties of chief engineer.

OF THE CITY OF WILMINGTON.

Fees.

such license and the other to said board, to be filed and preserved in the office of the Chief Engineer of said city. The said Chief Engineer shall receive for his services as aforesaid a fee of ten dollars, to be paid by the person receiving such license.

Limits of
water front.
How deter-
mined.

SECTION 15. The breadth of water front appertaining to the land of each proprietor, or owner, on the banks, or shores, of said rivers, within the limits aforesaid, shall be determined by protracting the lines of such land to the line established by law as the limit to which wharves or other structures may be built, whenever such protraction of said lines will not result in giving to the said owner more, or to any other riparian owner less than his proportionate share of frontage on said wharf-line. But in case of conflict between riparian owners, arising from the divergence or convergence of the lines of their lauds, or the lines of any public street when the same shall be protracted as aforesaid, the said Board of Port Wardens are hereby authorized and empowered to settle and determine the lines and bounds of said owners within the tideway of said rivers, or either of them, and the frontage of said owners respectively on said wharf-line; and said board shall thereupon make report in writing of their determination in the premises, with a plot of the lines and frontage so established by them, and file such report and plot in the office of the Chief Engineer of said city, and the same, or a certified copy thereof, shall be competent evidence for all purposes. In the performance of their duties under this section, said board may call to their assistance the Chief Engineer of said city, or any other competent engineer or surveyor, who shall receive for his services, in the premises, such compensation as shall be fixed by said board, to be paid by the persons between whom such conflict shall have arisen, or either of them, as said board may direct.

Powers of
port wardens

Report and
plot.

Where filed.

Evidence.

Surveyor.
Compensa-
tion.

Further
powers.

Proviso.

SECTION 16. The said Board of Port Wardens shall have full power and authority to direct the mooring of ships and vessels in the harbor, and the position in which they shall lie at the wharves and docks, and the anchoring of ships and vessels in the Brandywine and Christiana rivers within the limits aforesaid, and to make, ordain and publish such rules and regulations in respect to the matters aforesaid as they shall deem fitting and proper, with penalties for the breach thereof; *provided*, that such rules and regulations shall not be contrary to the constitution and laws of the United

OF THE CITY OF WILMINGTON.

States or of this State; and *provided* also, that no penalty so prescribed shall exceed the sum of twenty dollars.

SECTION 17. The said Board of Port Wardens, or any member thereof, shall, upon application of the master or owner of any vessel, or the shipper or consignee of any cargo, coming into port in a damaged condition, view the said vessel or cargo and certify to the underwriters or other parties interested the extent and character of said damages, and may perform such other duties in the premises as are usually discharged by such officers. And the said board, or member thereof, performing such service, shall receive such compensation. And the said board, or member thereof, shall receive such compensation. Duties of port wardens.

SECTION 18. Whenever said Board of Port Wardens shall deem it necessary or expedient to purchase or acquire any land on, or adjacent to, the banks or shores of said rivers, or either of them, within the limits aforesaid, or any lawful structure in the tideway of said rivers, or either of them, within the limits aforesaid, for the purpose of improving the navigation of such river or rivers, or the removing of obstructions to such navigation, they shall, for that purpose, make application in writing to the Council of Wilmington, therein accurately and fully describing the land or structure proposed to be purchased or acquired as aforesaid, and the new wharf-line or lines proposed by them to be established, (if they shall deem any such new line or lines necessary in such case,) together with a plot of the same made under their direction by the Chief Engineer of said city or by some other competent engineer or surveyor, and thereupon the said council shall have power and authority, if they shall deem such purchase or acquisition necessary or expedient as aforesaid, to provide, by ordinance, for such purchase or acquisition; and if the Mayor and Council of Wilmington shall be unable to agree with the owner or owners of such land or structure for the purchase thereof, the same may be taken for the purpose aforesaid, in the same manner and subject to the same conditions and proceedings as are or may be prescribed by law for condemning and taking lands for the purpose of extending, widening, laying out or opening streets in said city. Application by board of port wardens to purchase lands, etc.

Upon the purchase or acquisition of any land or structure as aforesaid, the said Board of Port Wardens shall cause such land or structure, within a reasonable time thereafter, to be dredged, removed, or taken away, and any sum of money Plot.

Council may provide for purchase.

Condemnation.

Annual appropriation by council. What to include.

OF THE CITY OF WILMINGTON.

which may be agreed upon as the value of such land or structure, or assessed as damages by reason of the taking of the same as aforesaid, as well as the cost of dredging, removing, or taking away such land or structure as aforesaid, shall be included in the next annual estimates and appropriations of the said council to be made thereafter; *provided* that the whole amount appropriated by the said council in any one year for the payment of land or structures, purchased or condemned, and for the cost of dredging, removing, or taking away such land or structure as aforesaid, shall not exceed the sum of fifteen thousand dollars, and that the said council shall have power to borrow such sum or any part thereof, on note or bond, if necessary, in anticipation of said annual estimates and appropriations. When by proceedings under this section it shall become necessary to establish any new wharf-line or lines, the said Board of Port Wardens shall have power and authority to establish such new line or lines, and upon the acquisition or condemnation of any land or structure by such proceedings, and the establishment by said Port Wardens of such new line or lines, it shall be the duty of the said Port Wardens to make return, in duplicate, of their proceedings in the establishment of such new line or lines, under their hands or the hands of a majority of them, to the said council, with duplicate plots, showing, distinctly, such new line or lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same, and said returns and plots shall be filed, preserved and recorded, as provided in Section four, of this act in reference to the returns of the aforesaid commissioners, and the said duplicate returns and plots respectively, and the records thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes. The compensation of the said Chief Engineer, or such other engineer or surveyor as may be employed by said Board of Port Wardens, in execution of their duties under this section, shall be fixed by said board, and provision for the payment of the same, as well as for the other necessary expenses of said board in the performance of their duties under this act, shall be made by said council.

Election of
harbor-
master.

Oath.

SECTION 19. The said Council of Wilmington shall, at its second stated meeting in July next, and annually thereafter, elect a Harbor-Master, who shall be nominated by the said Board of Port Wardens. Before entering upon the duties of his office he shall be sworn or affirmed faithfully and impar-

OF THE CITY OF WILMINGTON.

tially to perform the same. He shall be the executive officer of said Board of Port Wardens. It shall be his duty to enforce and superintend the execution of all laws of this State and all ordinances of the City of Wilmington, and all rules and regulations of said Board of Port Wardens in relation to the docks, wharves and harbor of the said city and the waters of the said rivers within the limits aforesaid, and in relation to the regulating and stationing ships and vessels in the tideway of said rivers or at the docks and wharves within the limits aforesaid, and all other rules and regulations of said Board of Port Wardens. For the purposes aforesaid the said harbor-master shall, within the limits aforesaid, have all the power and authority of a county constable or police constable of said city, and he shall have the right to call to his assistance, in discharge of his duties, the sheriff or any constable of New Castle county, or any police officer of said city. If any master or captain of any ship or vessel shall refuse or neglect to comply with the directions of the said harbor-master in matters within the jurisdiction of his office, or if any person whosoever shall obstruct or prevent the said harbor-master in the execution of his duties, such master, captain, or other person, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. The said harbor-master shall be paid by the Council of Wilmington such salary as they, by ordinance, may determine.

Duties.

Powers.

Interference
with duties
of harbor-
master mis-
demeanor.

Salary.

SECTION 20. All fines and penalties imposed by this act, or by any rule or regulation of the said Board of Port Wardens, shall be recovered in the name of the State of Delaware, and shall be for the use of the Mayor and Council of Wilmington.

Penalties.
How re-
covered.

SECTION 21. All violations of the rules and regulations of the said Board of Port Wardens shall be within the criminal jurisdiction of any municipal court that has been or may be established by law for the City of Wilmington and of any justice of the peace residing therein; and such court or justice of the peace may impose any fine or penalty prescribed for the violation of such rule or regulation not exceeding the sum of twenty dollars.

Jurisdiction.

SECTION 22. All laws and parts of laws inconsistent with this act are hereby repealed, and the power of revocation of this act by the Legislature is hereby reserved.

Passed at Dover, April 18, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 207.

OF THE CITY OF WILMINGTON.

AN ACT to Revise and Consolidate the Statutes relating to the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

LIMITS AND CORPORATE POWERS.

City limits.

SECTION I. The City of Wilmington shall be bounded as follows, viz: Beginning at the Delaware river at a point one thousand (1000) yards eastwardly from a stone set in the middle of the westerly bank of said river, in a line with the northerly side of Thirteenth street extended; thence by a line forming an extension of said street without any change of course thereof to the easterly side of the Brandywine creek; thence along the same about one and a quarter miles to the old ford above the head of tide-water, and continuing along said side of said creek about thirty-three hundred (3300) feet, or until it reaches a point sixty-nine hundred and sixty-eight (6968) feet (measured at right angles) from the northerly side of Front street extended, westwardly; thence north fifty-eight degrees west, and parallel with Front street to a line intersecting Front street at right angles at the distance of twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence along said line south thirty-two degrees west and parallel with Market street sixty-nine hundred and sixty-eight (6968) feet to the northerly side of Front street extended, twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence continuing the same course over Front street to a point sixteen hundred and ninety (1690) feet from the southerly side thereof; thence south fifty-eight degrees east and parallel with Front street to the northerly side of the Christiana turnpike road; thence by a line running southerly and at right angles to said turnpike to a marked stone set in the bank at the southerly side of Christiana river; thence easterly parallel with Front street to the Delaware river aforesaid to a point therein one thousand yards from a marked stone set in the middle of the western bank of said river, and thence thereby northerly to the place of beginning; extended as follows, viz: by a

OF THE CITY OF WILMINGTON.

line beginning at a stone at the westerly side of the Brandywine creek at the point where the northerly boundary line intersects the same; thence easterly by a line running perpendicularly to and crossing the Wilmington and Great Valley turnpike road at right angles to a point intersected by a line running perpendicularly to the Philadelphia turnpike road; thence by said last mentioned perpendicular line southeasterly to a stone in the middle of said Philadelphia turnpike road about ninety feet northeasterly from Price's run; thence southeasterly and parallel to Vandever avenue to the northerly side of the Philadelphia, Wilmington and Baltimore railroad; thence by a line southeasterly and parallel to Thirteenth street to its intersection in the River Delaware with the northerly extension of the present water line or front of said city, and thence thereby southerly to its intersection with the northerly side of Thirteenth street; and further extended as follows, namely: By a line beginning at a point where the main roadway or tracks of the Philadelphia, Wilmington and Baltimore Railroad Company intersects the southerly city line; thence southwesterly along the center of said roadway of the said Philadelphia, Wilmington and Baltimore Railroad Company to line of lands of Henry Latimer; thence northwesterly along the line of said lands to a point where the said line extended crosses the center of the Wilmington and Newport turnpike road, and thence in a strait line northwesterly to the corner stone which marks the southwesterly boundary of the City of Wilmington, at the intersection of Beach and Union streets. Within the limits of the City of Wilmington, established by this act, the Mayor and Council of Wilmington shall be vested with all power, rights, privileges and immunities which before this time belonged to them as a municipal corporation; all the laws, ordinances and regulations in force within the former city limits, not modified or repealed by the provisions of this act and not locally inapplicable, shall be extended and applied to the territory comprised within the boundaries set forth in this act.

Extension of
boundaries.Corporate
powers.

SECTION 2. The style and name of the corporation of the said city shall be "The Mayor and Council of Wilmington;" and by that name they shall be and are hereby made able and capable in law to have, take, purchase, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, implead and

Corporate
name and
authority.

OF THE CITY OF WILMINGTON.

be impleaded, answer and be answered, defend and be defended, in all courts of law and equity or any other place whatsoever, and also to make, have and use a common seal; and the same to break, alter and renew at their pleasure, and generally to have all the privileges and franchises incident to a corporation or body politic.

CITY OFFICERS.

City officers. SECTION 3. The city officers shall be a Mayor, a Council to be composed of two members from each ward of said city, a President of said council who shall be *ex officio* a member and the presiding officer of said council, a Treasurer, an Auditor, a Solicitor, a High Constable, two Assessors who shall also be Collectors, one Inspector and two assistant Inspectors of election for each election district, and such other officers as the council by ordinance shall create and appoint.

Eligibility. SECTION 4. No person shall be eligible to any office who it not, at his election, a citizen of the state and a resident of the city. The mayor must have resided in the city two years next before his election. A member of council must also have resided in the city two years before his election, and must additionally be, at the time of his election, a resident in the ward in which he is elected and a freeholder in the city.

Clergymen ineligible. No ordained clergyman, or ordained minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this act.

Oath of office. SECTION 5. Every officer of said city, before he enters upon the duties of his office, shall take an oath, or affirmation, to support the Constitution of the United States, and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected, or appointed, with fidelity.

By whom administered. The oath or affirmation may be administered by any holding-over member of council to the president-elect, who, after being sworn or affirmed, may administer the oath or affirmation to new members of the city council, and in case of his absence the same may be administered by the president *pro tempore*.

MAYOR.

Mayor's election. SECTION 6. At the city election to be held on the first Saturday in June, A. D. 1885, and on the same day in every

OF THE CITY OF WILMINGTON.

third year thereafter, the voters in the respective election districts shall vote for a mayor, who shall be elected by a plurality of all the votes cast in the several election districts. The mayor shall hold office for the term of three years, commencing on the first day of July succeeding his election. Term.

SECTION 7. The mayor is hereby constituted a conservator of the peace within the said city, and it shall be his duty to take care to have the laws and ordinances of the said city faithfully executed. He shall have the custody of the seal of the corporation and the right of affixing the same. Duties.

SECTION 8. The mayor shall have power to take and certify under his hand and seal of office the acknowledgment of deeds, and letters of attorney, and the private examination of married women parties to such deeds, in like manner as a judge or notary public may do; for which service he shall receive a fee of seventy-five cents, and no more, whether there be one or more parties to the deed. May take acknowledgments, etc. Fee.

SECTION 9. The mayor shall also have authority within the city, in like manner as a preacher of the gospel, to solemnize marriages, and shall keep a like register, and certify an extract therefrom to the recorder of New Castle county in like manner, and shall receive the same fee, and be subject to the same penalties touching the solemnization of marriage, and the keeping a registry thereof, as is a preacher of the gospel under the existing or any subsequent laws of this State. Solemnizing marriages. Fee.

SECTION 10. In case of the temporary absence of the mayor from the city, or temporary disability to perform the functions of his office, the president of council shall, during the continuance of such absence or disability, assume and discharge the duties of mayor *pro tempore*, with all the powers and authorities of the mayor for the time being. In case of the inability of the president of council to act as mayor *pro tempore*, council shall make appointment of a mayor *pro tempore* from the members of council to act during such temporary absence, or inability to act, of the said mayor. In absence or disability of mayor, president of council may act.

SECTION 11. In case of the death, removal from the city, resignation, or refusal to act, of the mayor or any other elective officer of said city, or in case of the removal of any Appointments made by council to fill vacancies

OF THE CITY OF WILMINGTON.

Elections.
When held.

member of council out of the ward for which he was elected; the council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired term of such officer, and shall take place at the first city election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person who has been elected thereto shall be found ineligible, or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law) before the time fixed for entering upon the duties of his office.

Seal.

SECTION 12. The seal now used as the seal of office of the said mayor shall continue to be used as such until the same shall be changed, altered, or renewed by the council.

Removal of
mayor.

SECTION 13. The mayor may be removed by a vote of two-thirds of the whole council after a fair and impartial trial upon which he shall by such trial be found guilty of the charge or charges preferred against him. The reasons for the removal shall be entered on the journal.

MUNICIPAL COURT.

Municipal
court.

SECTION 14. From and after the first day of June, A. D. 1883, there shall be and is hereby established within the said city a court of record and of law which shall be known by the name, style and title of "The Municipal Court for the City of Wilmington," and it shall be the duty of the Governor, before the first day of June aforesaid, to appoint and commission a city judge, who shall have power and authority to hold and keep said Court of Record. No person shall be eligible to the office of City Judge unless he be a man learned in the law and of at least seven years standing as a practising attorney in the Superior Court of this State. The city judge shall hold his office for the term of twelve years, unless sooner removed by the General Assembly. Upon his appointment he shall take the oath of office prescribed by Article VIII of the Constitution of this State. The terms of said court shall commence on the first Monday in each and every month and may be continued by adjournment as may be required. It

Governor to
appoint
city judge.

Eligibility.

Oath of
office.

Terms of
court.

OF THE CITY OF WILMINGTON.

shall be the duty of the council of said city, and the same is hereby authorized and directed, immediately after the passage of this act, to provide some suitable place in the city hall, or such other place as the council shall provide, for the holding of said municipal court, and all expenses of said court for books, records, writs, and other papers necessary for the said court, shall be paid by the council upon a bill presented to the same, verified by the affidavit of the city judge, and shall be paid in the same manner as other bills against said city are now paid. In case of the sickness or other temporary disability of the city judge, the associate judge of the Superior Court, resident in New Castle county, may, if he deem it necessary, either hold the said municipal court himself or designate in writing some suitable person who when so appointed shall have all necessary power and authority to do so. In the absence of the city judge, or any person so authorized to hold said court, the clerk thereof shall open and adjourn said court from day to day.

In case of disability of judge, who presides.

SECTION 15. The said municipal court shall have sole and exclusive jurisdiction to inquire of, hear, try, and finally determine all those criminal matters and offenses enumerated in the fifteenth section of the sixth article of the amended Constitution, and committed within said city, and to punish all persons convicted of said offenses, or any of them, agreeably to the laws of this State; and shall, except where in this act otherwise provided, have sole original jurisdiction to inquire of, hear, try, and determine all offenses which shall be committed within said city against any of the laws, ordinances, regulations or constitution of said city, and to punish the offender or offenders as by the said laws, ordinances, regulations, or constitution shall be prescribed; and also to impose fines according to law, and to levy the same, and to award process, take recognizance for keeping the peace for being of good behavior, and for appearance, or otherwise, or to commit the prisoner, as occasion shall lawfully require, without being accountable to the State for any fines or amercements to be imposed for the said offenses, or any of them, except such as are, or shall be, by law, made payable into the State treasury for offenses against the State. The said court shall have authority to punish contempt, and to issue all process necessary for the exercise of its jurisdiction, which process may be executed in any part of the State and it shall be the duty of all constables of said city to execute the same when placed in their hands, and any failure to

Jurisdiction of municipal court.

OF THE CITY OF WILMINGTON.

properly execute the same shall be punishable as a contempt of said court. Whenever any person shall be brought before any justice of the peace, or before the city judge sitting as a committing magistrate, charged with the commission of any of the offenses enumerated in the fifteenth section of Article VI of the Constitution of this State within the limits of the City of Wilmington, it shall be the duty of every such justice, and of the city judge sitting as aforesaid, to bind the person so charged, with sufficient surety for his appearance at the next term of the said municipal court, and if he do not give such surety, shall commit him for trial by such court. Such justice, and the city judge sitting as aforesaid, shall also bind material witnesses for their appearance without surety, unless he believes the witness will not appear and that the loss of his testimony ought not to be risked, in which case he may require surety and may commit the witness if it be not given.

Mode of
trial.

SECTION 16. Prosecutions in the said municipal court shall be by information, without indictment by grand jury or trial by petit jury.

Solicitor
prosecuting
officer.

SECTION 17. The solicitor of said corporation for the time being shall be *ex officio* the prosecuting officer in the said municipal court, provided that the Attorney-General of the State shall have the right to prosecute in person, or by his deputy; and there shall be taxed for the appearance of said city solicitor a fee of two dollars, payable into the city treasury as provided in Section 27.

Appearance
fee.

Clerk of mu-
nicipal court

SECTION 18. The city judge shall appoint a suitable person to act as clerk of the said municipal court, who shall hold his said office of clerk at the pleasure of the said judge.

Duties

The said clerk shall have care of the records of said court and the records of all proceedings had before said city judge, and he shall receive all fees, fines and costs arising out of any proceedings had in said court, or before said judge, and shall pay the same over as is hereinafter prescribed by law.

Shall give
bond.

He shall, within ten days after his appointment, give bond with sufficient surety or sureties to be approved by the said city judge in the sum of three thousand dollars to faithfully execute all the duties of the said office during his continuance therein, and in default of so doing the said city judge shall proceed to make a new appointment to said office.

Witness fees

SECTION 19. The fee for the attendance of a witness in said court, provided the witness is an inhabitant of said city,

OF THE CITY OF WILMINGTON.

shall be fifty cents per day. In all other cases, and for all other services, the fees shall be the same as are provided for like services by Chapter 125 of amended Revised Code.

SECTION 20. There shall be no appeal from said municipal court to the Court of General Sessions of the Peace and Jail Delivery, except in the case hereinafter provided; but the proceedings of the said municipal court shall be subject to revision by the Superior Court in and for New Castle county upon writs of certiorari, and after its judgments shall be affirmed, or reversed, the said municipal court may proceed to execution, or otherwise, as shall according to law appertain; *provided* that before the issuing of such writ of certiorari the party applying for the same shall enter into a recognizance to the Mayor and Council of Wilmington, in a penalty and with surety to be approved by the prothonotary of said Superior Court, and with condition that the said party, so applying for the same, shall prosecute said writ with effect, or otherwise that he will in all things abide the judgment of the said municipal court if he shall fail to make his plea good or the same be affirmed by the Superior Court; which recognizance shall be entered upon the docket succeeding the entry of the certiorari and shall be a part of the record of the same.

SECTION 21. Upon an information in the municipal court for a nuisance (other than a nuisance against the public health) affecting the public streets, lanes, or alleys of the city, if the party against whom the same is filed shall, by affidavit, claim a right of property in that part of the street, lane, or alley, in which the offense is alleged to have been committed, either in himself or those under whom he holds, and shall also aver, in the said affidavit, that the said claim of property is made in good faith for the purpose of defense and not for delay, proceedings in said court shall be stayed, and the clerk shall forthwith transmit to the clerk of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county a copy of the record, under the seal of the municipal court, to be filed in the said Court of General Sessions, and thereupon the case shall be proceeded in at the next term of the said court upon the information set forth in the copy of the said record, in like manner and with like effect as upon an indictment for the like offense.

SECTION 22. Before staying proceedings under the foregoing section, the municipal court shall cause the party

OF THE CITY OF WILMINGTON.

against whom the information is filed to enter into a recognizance to the State of Delaware to appear in the said Court of General Sessions, at the next term thereof, and plead to the said information.

Court may
commit.
When.

Right of
appeal.

Surety.

SECTION 23. Upon failure of a defendant to satisfy any judgment which may be rendered by the municipal court against him for the violation of a city ordinance, it shall be within the discretion of the municipal court to commit the defendant to the custody of the high constable until the judgment shall be fully satisfied; but any person so committed may, within three days thereafter, appeal from any judgment so rendered against him to the Superior Court for New Castle county. Such person appealing shall enter into recognizance with sufficient surety in such sum as the said municipal court shall determine, conditioned for the due prosecution of the appeal and for the payment of any judgment which may be rendered in said court against the appellant or his executors or administrators. The filing of a transcript, modes of trial, and forms of proceeding shall be as in cases of appeal from the judgments of justices of the peace.

Seals of
court and
city judge.

SECTION 24. The said city judge shall, immediately upon his appointment, procure, or cause to be procured, a seal for said municipal court, and a further seal as city judge, with suitable designs; and said seals shall be the seal of said court and the seal of the said city judge respectively until altered or renewed by the council, at the request, in writing, of said city judge. The cost of procuring the said seals shall be paid by the council when certified to be correct by the said city judge.

Witness fees
How paid.

SECTION 25. All fees for the attendances for the prosecution in any criminal case or proceeding had in the said municipal court in which it shall be determined by the said court that the said case or proceeding ought to be dismissed as against the defendant therein, shall be paid out of the city treasury; *provided* that nothing in this section shall authorize the payment of witness fees to any person who shall at the same time be a high or other city constable. The payment of such fees shall be by a warrant of the clerk of said court, directed to the city treasurer, setting out the case in which and the person to whom such fee is due, and such warrant

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shall be signed by the judge of said court and approved by the city auditor. The said warrant shall be made payable to the person to whom such witness fees are due.

SECTION 26. The city judge is hereby constituted a conservator of the peace within the City of Wilmington, and shall have power, as a committing magistrate, to commit for trial at the proper court all persons charged with a breach of any of the laws of this State, or with a breach of any of the laws, ordinances, regulations or constitution of the City of Wilmington. He may also punish by fine, not exceeding ten dollars, all breaches of the peace committed within said city punishable by any law of this State and not herein made cognizable by the municipal court for said city, where the offense is not of a high or aggravated nature, if, after a hearing, he shall be satisfied that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit or bind the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance, and may require surety of them if necessary. The fees to be charged for services under this section shall be the same as those authorized to be charged by justices of the peace in like services, and shall be collectable in like manner, for the use of the city, as provided in Section 27. The process issued by the said city judge, sitting as a committing magistrate, shall be the same as is issued by justices of the peace in like cases, and all such process may be directed to the city constables and shall be executed by them in like manner as process issued out of the said municipal court, and any failure to properly execute said process shall be punishable by said city judge as a contempt.

Conservator
of the peace

Powers.

Fees.

Process.
How executed.

SECTION 27. The same fees, costs and charges which in any similar proceeding are now taxable for the services of the mayor or any justice of the peace shall be taxed for the services of the judge of the said municipal court, and all fees, costs and charges which are so taxed, and all fees, costs, and charges, including the fee for the attendance of the city solicitor, together with witness fees for the services or attendance of any high or other city constable in said court, shall be and are hereby made payable into the city treasury; and it shall be the duty of the clerk of said court to make out, by the first Tuesday of every month, a detailed statement of the causes tried in the said municipal court during the month last past, having set out therein an itemized account

Taxation of
costs.

Clerk to
make out
itemized
statements
monthly.

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Contents. of all fines, costs, charges and fees by this act made payable into the city treasury and in his hands, which statement shall be approved by the city auditor. Upon such approval the said clerk shall forthwith pay into the hands of the city treasurer all such fines, fees, costs and charges in his hands.

Payment to
city treas-
urer.

Judge may
take ac-
knowledg-
ments, etc.

SECTION 28. The said judge of the municipal court shall also have power to take and certify under his hand and the seal of the municipal court, acknowledgments of deeds, mortgages, and letters of attorney, and the private examinations of married women parties to such deeds and mortgages, in like manner as a notary public may do; for which duty there shall be charged a fee of seventy-five cents, and no more, whether there be one or more parties to the deed, and such fees shall be paid to the clerk for the use of the city.

Fee.

COUNCIL.

Council.
How com-
posed.
Term of
office.
President.

SECTION 29. The council shall consist of twenty-two members to be elected for two years, so that there shall be two members of council from each ward, and in addition thereto there shall be a president of council, who shall be elected biennially by a plurality of all the votes cast in the several wards. The president of council shall be the presiding officer and a member of the said council. To the end that eleven members of council shall be chosen annually in regular order, besides supplying vacancies, the following rule shall be observed in the election of members of council, viz: At the annual election in June, A. D. 1883, there shall be elected, in each of the wards of the city, one member of council to hold office for the term of two years, and at the election annually thereafter, in each ward, one member of council for two years, besides the election for the city at large of the president of council, who shall be elected at the city election occurring in June A. D. 1884 and biennially thereafter, the present president of council and the present members of council respectively holding their several offices during their respective terms as is now provided by law. The above provisions shall be taken and construed to be subject to the provisions in Section 11, preceding.

Election of
members.

Rule.

Meetings.

SECTION 30. The council shall hold a meeting for organization annually on the Tuesday evening next ensuing the annual city election, and shall further meet at least once in every month at such time or times and place as it shall appoint. Special meetings may be called by the mayor upon

Special
meetings.
How called.

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his own motion, or shall be called at the request of five members. The sittings of the council shall be public. It shall be the judge of the election returns and qualifications of its members, and of all other officers of the corporation. It shall choose its officers except where otherwise provided for in this charter. It shall determine the rules of its proceedings and keep a journal of the same. Twelve members shall constitute a quorum to do all business. No ordinance shall be passed without the concurrence of a majority of all the members of the council and unless it shall have had at least two readings at a previous stated meeting or meetings, nor shall any ordinance be repealed unless notice shall have been given and entered on the journal of the council at a stated meeting that at the next succeeding stated meeting an ordinance would be introduced for such repeal. All questions shall, upon the call of two members, be taken by ayes and noes, which shall be entered upon the journal. All elections for officers to be appointed by the same, shall be by ballot and by a majority of votes of all the members of the council.

SECTION 31. The members of council shall constitute the legislative body of said city, and shall be denominated, when assembled, "The Council." The council shall have power to enact ordinances to preserve the health of the city, and to prevent the introduction of infectious or contagious diseases, for which purpose its jurisdiction shall extend to any distance within one mile of the limits of the city. The council may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and amend the same, and provide for the paving thereof, or to alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate and fix the ascent and descent of all streets, lanes and alleys; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to provide night watches and for the lighting of streets at the expense of the corporation, and generally to prescribe and regulate the use of the highways, streets, squares, lanes and alleys of the city, and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained and to the general supervision and control of the General Assembly; to provide for the regulation of auctions and auc-

Sittings public.
Judge of its members.

Officers.
Rules and journal.
Quorum.
Ordinances.
Passage.

Repeal.

Ayes and noes.
Election of officers.

Legislative branch.

Powers.

Prevention diseases.

Nuisances.

Streets.

Ascents and descents of the same.
Footways.
Gutters.

Steps.

Porches.

Night watches.
Lighting streets.

Auctions.

OF THE CITY OF WILMINGTON.

Docks. Wharves. tioneers; for cleaning docks and regulating wharves of the city; also to regulate public amusements; to fix and declare the weight of bread and size of brick; to regulate the cordage of wood and bark, and to determine what may be esteemed merchantable; to appoint wood-corders and establish their fees; to regulate party walls; to provide for the safety of the citizens, and for that purpose may prescribe the height, thickness of walls and material of buildings and the mode of erecting the same within said city, and for providing for and securing the safety of the inmates thereof, and may make provision for the enforcement of such regulations; to erect market houses, and to provide for and regulate markets; to provide against the adulteration of milk and cream sold or brought to be sold in the said city, and to provide for the proper inspection of the same; to provide for the proper lighting of the streets, squares, lanes and alleys of said city, and in its discretion to provide for the payment of the expenses thereof; to regulate the sweeping of chimneys and establish the rate therefor; to appoint gaugers, inspectors of salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, and for the measuring or weighing of coal, lime, grain, or any other matter sold in the said city; to regulate the storage of gunpowder or any other dangerously combustible matter. They shall have power to lay and collect fines on the owners or harborers of any dog or hog which may be found at large in any of the streets, lanes, or alleys of the city aforesaid, and in general shall have power to do all those matters and things for the well being of the said city which shall not be in contravention of any existing laws of this State or the constitution thereof. Every bill which, after the passage of this act, shall have passed the council, shall, before it becomes an ordinance of said city, be presented to the mayor of said city. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the council, who shall enter the objections at large on their journal and proceed to reconsider it. If after such consideration two-thirds of all the members of the council shall agree to pass the bill, and it shall be so passed, it shall become an ordinance of said city. If any bill shall not be returned to the council by the said mayor within ten days (Sundays excepted) after the same shall have been presented to him, the same shall become an ordinance in like manner as if he had signed it. In all such cases the votes of council shall be determined by yeas and nays, and the names of the persons voting for and against

Cordage of wood and bark.

Party walls.

Markets.

Prevention of adulteration of milk.

Inspectors of provisions lumber, hay.

Measuring and weighing coal, lime, etc. Gunpowder.

Levy fines on keepers of dogs, etc.

General powers.

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the bill shall be entered on the journal of the council. The council shall not have power to pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulations.

CITY TREASURER.

SECTION 32. At the city election to be held on the first Saturday in June, A. D. 1884, and on the same day in every second year thereafter, the voters in the respective election districts shall vote for a city treasurer who shall be elected by a plurality of all the votes cast in the several election districts. The city treasurer shall hold office for the term of two years, commencing on the first day of July succeeding his election. Election of city treasurer.

SECTION 33. The city treasurer shall, before entering upon the duties of his office, give bond to "The Mayor and Council of Wilmington," in such amount as shall be determined by the council, with surety to be approved by the mayor and president of council, conditioned for the faithful performance of the duties of his office, with a warrant of attorney for the confession of judgment thereto annexed. Bond.

SECTION 34. All moneys belonging to the city which shall come into the hands of the city treasurer, shall be by him deposited, every day, in some incorporated banking institution or institutions to be designated by council, in the name of "The Mayor and Council of Wilmington," generally, except in the case of money-proceeds arising out of a bonded debt authorized by the General Assembly for a specific purpose or use, in which case such money-proceeds shall be deposited in the name of the Mayor and Council of Wilmington for the special purpose or use for which the debt was authorized and shall only be drawn out for such special purpose or use. All moneys so deposited shall be drawn out only on an order signed by the president and clerk of council, and countersigned by the city auditor and city treasurer, or in case of the absence or temporary disability of either, then by such person as the council may designate by resolution and the others. Moneys. Where deposited.

SECTION 35. The city treasurer shall furnish to the council, at each stated meeting, an itemized statement of all moneys received by him during the period between such stated meeting and the one immediately preceding, together How drawn out.

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with the aggregate amount paid out of the city treasury during said week and the balance remaining therein at the time of making said statement. If the city treasurer shall pay any money out of the city treasury contrary to the provisions of this act, he shall forfeit and pay to the corporation, for every such offense, a fine of five hundred dollars, and he and his sureties shall be liable to the city upon his official obligation for any money so paid out by him.

Penalty.

Fine.

Sureties.

SECTION 36. The city treasurer shall perform such other duties as are hereinafter prescribed by this act, or by such ordinance or ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act. The council may enforce by suitable penalties any duties enjoined by this act or by such ordinance or ordinances aforesaid, except where penalties are provided by this act.

CITY AUDITOR.

Election of
city auditor.

Term.

Bond.

Return to
city treas-
urer, and
payment of
moneys re-
ceived.Duties of
Auditor
defined.

SECTION 37. At the third stated meeting in June, A. D. 1884, and on the same day in every third year thereafter, council shall elect a person to discharge the duties of city auditor. The city auditor shall hold office for the term of three years, commencing on the first day of July after his election. The present city auditor shall hold office until the first day of July, A. D. 1884.

SECTION 38. The city auditor, before entering upon the duties of his office, shall, with sufficient surety or sureties, become bound to the city by a joint or several obligation, to be, with surety or sureties therein, approved by the finance committee, with a condition therein for the faithful performance of his duty; and shall, so often as the council shall direct, make return to the city treasurer, under oath or affirmation, of each item of the moneys received by him, and immediately pay the amount in his hands to the city treasurer.

SECTION 39. The duties of the city auditor shall be such as are prescribed by this act, or as the council shall, by ordinance not inconsistent with the provisions of this act, from time to time prescribe, and council may enforce the same by suitable penalties. Among his other duties the city auditor shall examine all bills against the city and indorse them as correct before they are presented to council

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for payment. He shall also examine and countersign all drafts or orders upon the city treasurer before they shall be paid, and withhold his signature in case the draft or order is made without sanction of law, without any appropriation therefor by council regularly made, is drawn against a wrong fund, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to council at its ensuing meeting. Council shall thereupon duly, carefully and publicly consider the case, and shall sustain or overrule his action by a direct vote by yeas and nays upon the question; whereupon it shall be the duty of the city auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all imputation or responsibility in the premises.

Duty of city council.

CITY SOLICITOR.

SECTION 40. At the third stated meeting in June, A. D. 1884, and on the same day in every third year thereafter, council shall elect a city solicitor. The person so elected city solicitor must be an attorney and counsellor of the Superior Court of this State, who shall have been admitted to practice therein at least five years prior to his election, and shall also be a solicitor in the Court of Chancery. The city solicitor shall hold office for the term of three years, commencing on the first day of July after his election. The present city solicitor shall hold office until the first day of July, A. D. 1884.

Election of city solicitor

Qualifications.

Term of office.

SECTION 41. The city solicitor shall be the legal adviser of all the departments of the government of said city, and shall have charge of all the legal business thereof, and no fees shall be paid by any of said departments for any legal services to any person who shall have been employed without the approval of said city solicitor. The said solicitor shall perform such duties as are prescribed by this act and by such ordinance or ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act, and council may enforce the performance of said duties by suitable penalties, except where penalties are provided in this act.

Duties.

CITY CONSTABLES.

SECTION 42. The mayor for the time being, shall have the power and authority and shall appoint the high constables.

Appointment of constables.

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Duties and powers.

stable and other city constables, and shall have the power to supply by new appointments all vacancies that may occur in said office of constable, and may, in his discretion, remove or suspend any constable from office. The number of city constables, so to be appointed, shall be defined by ordinance. The high constable, and the other city constables shall assist the mayor in carrying into effect the ordinances of the city, and shall perform all such duties as may be prescribed by act of the General Assembly, or by the ordinances of the city. They shall possess like powers within the county of New Castle as are possessed by the constables of the county.

Qualifications.

SECTION 43. No person shall be appointed, or after the passage of this act continued, a city constable who is not a citizen of the United States, or who has been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment. Nor shall any person be appointed such constable, except upon the certificate of the physicians who shall be for the time being members of the board of health, or a majority of them, that he has been found upon examination to be physically sound and is in their judgment qualified to discharge the duties of the office, that his weight is not less than one hundred and thirty pounds, and that his height is not less than five feet four inches.

Appointment of patrolmen.

SECTION 44. The mayor may appoint, and cause to be sworn in, any number of patrolmen to do duty at any place in the city designated by and at the charge and expense of the person or persons who may ask for such appointment, and may change or remove them at pleasure. They shall be subject to and obey the orders, rules and regulations governing city constables, and conform to the general discipline and special regulations of the police department.

Duties.

Special constables. When appointed.

Duties and powers.

SECTION 45. The mayor may, upon any emergency, or apprehension of riot or mob, take command of the police force and appoint as many special constables as he may deem advisable. During their service the special appointees shall possess the powers and perform the duties of other city constables, and shall receive such compensation as shall be authorized by the mayor, not exceeding that of the officers of the regular force performing corresponding duties. The

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mayor shall have power to summon the *posse comitatus* for the preservation of the public peace and hold and employ such *posse* subject to his direction. Power of mayor.

SECTION 46. No high or other constable shall, while on duty, enter any drinking saloon or other place where liquors are sold to be drunk on the premises, except for the purpose of discharging the duties of his office, under penalty of immediate dismissal. No such constable shall be a member of any political committee, or delegate to any political convention, or shall be present at any such convention, or at any primary, special or general election except in full official uniform (discharging the duties of his office as constable) or shall, at such place or in any public place, engage in any political solicitation, nor shall any such constable, nor any special constable, on the day of any election held within the limits of said city, be within the distance of thirty feet of any voting place, except for the purpose of depositing his vote or to quell an actual disturbance of the public peace, nor shall he in any manner attempt to influence a voter as to the casting of his ballot; and any violation of the provisions of this section shall work a forfeiture of his position, and it shall be the duty of the mayor to dismiss him from office and enter upon record the cause of such dismissal, and he shall not be eligible for reappointment. Any violation of the provisions of this section shall also be a misdemeanor, and any such constable being convicted thereof shall forfeit and pay to the State of Delaware a fine not exceeding one hundred dollars, or be imprisoned for a term not exceeding six months, or both, at the discretion of the court. Upon complaint made against any such constable, to the municipal court, verified by affidavit, if said constable, after hearing, shall be committed or bound for his appearance at the Court of General Sessions of the Peace and Jail Delivery to answer the charge, such constable shall be suspended from his office pending his trial. Upon conviction *ipso facto* he shall forfeit his office. Privileges of constables. Power of mayor to dismiss. Penalty for violation.

SALARIES AND FEES.

SECTION 47. The salaries of the several officers herein provided for shall be fixed from time to time by ordinance, payable monthly, and shall not be less per annum than the following amounts respectively: Salaries of officers.

Mayor—Fifteen hundred dollars;

Judge of Municipal Court—Fifteen hundred dollars;

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President of Council—Two hundred dollars;
 Clerk of City Council—Fifteen hundred dollars;*
 City Solicitor—Twelve hundred dollars;*
 City Treasurer—Twelve hundred dollars;
 City Auditor—Twelve hundred dollars;*
 Chief Engineer of the City—Two thousand dollars;*
 Clerk of Municipal Court—Six hundred dollars;
 Each Member of Board of Health—One hundred dollars;
 Each Executive Officer of Board of Health—Five hundred dollars;*

Registrar of Deaths, Births and Marriages—Eight hundred dollars;

Member of Board of Assessment, Revision and Appeals—Three hundred dollars;

High Constable—Twelve hundred dollars;

City Constables, each—Seven hundred and twenty dollars;

Member of Council—\$1 for each meeting of council, and fifty cents for each committee meeting he shall attend, and the chairman of each committee shall keep a record book in which he shall enter the attendance of all members of the committee of which he is chairman, and report the same monthly to the clerk of the council.

Not to be increased or decreased during term of officer.

Proviso.

The salaries of officers of the city, other than those above designated, shall be established by ordinance; but the council shall not have power to augment or reduce the salary of any officer for and during the period for which he shall have been elected or appointed; *provided*, that with respect to any person who may be in office at the time of the passage of this act, the council may, if the sum herein named shall be deemed by said council inadequate as compensation for the duties herein or hereafter imposed upon any officer, increase any of said salaries by ordinance passed prior to the first day of September next ensuing the passage of this act.

No additional fees allowed.

No officer whose salary is fixed by this act, or by ordinance of said council, shall receive any fees or emoluments in addition thereto, except such fees as are provided in this act; but all fees or emoluments pertaining to said offices, except as aforesaid, shall be paid monthly by the persons receiving the same to the city treasurer for the use of the city, taking his receipt therefor, which sum so received shall be reported to the council by said treasurer at the next stated meeting of council after the receipt thereof. *Provided however*, that whenever any city official is called by city business outside

*Amendments—Chapter 209, current volume.

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of the city limits, council shall allow to such city official his actual traveling expenses and such other reasonable compensation as may by council be deemed proper.

SECTION 48. It shall be the duty of the high constable of said city, or other person who may be the keeper of the prison cells in said city, or in charge thereof, to receive and lock up and safely keep in said cells any person committed by any judgment or sentence of the municipal court of said city, or of any justice of the peace resident of said city, for the violation of any of the provisions of the laws of this State, or of the provisions of this act, or of the ordinances of said city, for temporary confinement, until such person, committed as aforesaid, may be taken to the common jail of New Castle county by the officer to whom such person may have been committed, and the actual cost for all meals, medical attendance and medicines furnished such person so committed as aforesaid, by the said high constable, or other person keeper of said cells or in charge thereof, shall be paid by the council, after an itemized bill thereof, verified by the affidavit of the person furnishing the same, audited by the city auditor in the same manner as other bills against the said city are now paid, shall have been presented to the said city.

Duty of high constable and keepers of city prisons.

Expenses. How borne.

WARDS AND ELECTION DISTRICTS.

SECTION 49. The City of Wilmington shall be divided into eleven wards, as follows:

Wards and election districts.

The First Ward shall consist of all that part of the city lying and being south of Sixth street, and bounded on the east by a line passing southerly through the middle of Market street extended to the southerly city line, and on the west by a line passing southerly through the middle of Washington street extended to the southerly city line;

First ward.

The Second Ward shall consist of all that part of the said city east of Market street and south of Third street;

Second.

The Third Ward shall consist of all that part of the said city lying and being south of Sixth street and bounded on the east by a line passing southerly through the middle of Washington street extended southerly to the point of intersection with the middle of West Liberty street extended, on the west by a line passing southerly through the middle of Adams street to the point of intersection with the middle of West Liberty [street] extended, on the west by a line passing

Third.

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southerly through the middle of Adams street to the point of intersection with the middle of Maryland avenue, and having for its general southerly boundary a line commencing at the point of intersection of the middle of Adams street with the middle of Maryland avenue; thence along the middle of Maryland avenue to its intersection with the middle of West Liberty street extended, southeasterly to its intersection with the middle of Washington street extended southerly;

Fourth. The Fourth Ward shall consist of all that part of the said city lying and being east of Market street and between Third street and Sixth street;

Fifth. The Fifth Ward shall consist of all that part of the said city lying and being west of Market street and between Sixth street and Ninth street;

Sixth. The Sixth Ward shall consist of all that part of the said city lying and being east of Market street and west of Poplar street, between Sixth street and Brandywine river;

Seventh. The Seventh Ward shall consist of all that part of the said city lying and being west of Market street and between Ninth street and the northerly boundary line of the said city as established by an act of the General Assembly, passed at Dover, March 7th, A. D. 1861;

Eighth. The Eighth Ward shall consist of all that part of the said city lying and being east of Poplar street and between Sixth street and the Brandywine river;

Ninth. The Ninth Ward shall consist of all that part of the said city lying and being north of the northerly boundary line established as aforesaid;

Tenth. The Tenth Ward shall consist of all that part of the said city lying and being west of Adams street and bounded on the north by Sixth street, and on the south by Linden street;

Eleventh. The Eleventh Ward shall consist of all that part of the said city lying and being within the following boundary lines, to wit: Beginning at the intersection of the middle of Linden street with the westerly city line; thence along the middle of Linden street easterly to its intersection with the middle of Maryland avenue; thence along the middle of Maryland avenue northeasterly to its intersection with the middle of West Liberty street; thence southeasterly along the middle of West Liberty street extended to its intersection with Washington street extended southerly; thence southerly along the middle of Washington street extended to its intersection with the present southerly city line; thence by the said southerly city line northwesterly to its intersection with the center of the main roadway or tracks of the Philadelphia, Wilmington

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and Baltimore Railroad Company, and thence by the extended boundaries as described in Section 1 of this act to the corner stone marking the city line at the intersection of Beech and Union streets, and thence northerly by the present city line to Linden street, the place of beginning.

Wherever a street is named as a boundary in this section, the center or middle thereof shall be understood.

*SECTION 50. For the purpose of holding elections for city, state and county officers, in Wilmington city and hundred, the city shall be divided into twenty-six election districts as follows, to wit: City divided into twenty-six election districts.

All that portion of the First Ward lying and being south of First district Third street shall form the First Election District;

All that part of the First Ward lying and being north of Second. Third street shall form the Second Election District;

All that part of the Second Ward lying and being south of Third. the Christiana creek or river shall form the Third Election District;

All that part of the Second Ward lying and being north of Fourth. the Christiana creek or river shall form the Fourth Election District;

All that portion of the Third Ward lying and being south Fifth. of Fourth street and east of Madison street shall form the Fifth Election District;

All that portion of the Third Ward lying and being south Sixth. of Fourth street and west of Madison street shall form the Sixth Election District;

All that portion of the Third Ward lying and being north Seventh. of Fourth street shall form the Seventh Election District;

All that portion of the Fourth Ward lying and being west Eighth. of Lombard street shall form the Eighth Election District;

All that portion of the Fourth Ward lying and being east Ninth. of Lombard street shall form the Ninth Election District;

All that portion of the Fifth Ward lying and being east of Tenth. Washington street shall form the Tenth Election District;

All that portion of the Fifth Ward lying and being west of Eleventh. Washington street and east of Adams street shall form the Eleventh Election District;

All that portion of the Fifth Ward lying and being west of Twelfth. Adams street shall form the Twelfth Election District;

All that portion of the Sixth Ward lying and being south Thirteenth. of Eighth street shall form the Thirteenth Election District;

*Amendment—Chapter 208, current volume.

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- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth. All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth. All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first. All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second. All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third. All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth. All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth. All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth. The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.

OF THE CITY OF WILMINGTON.

*SECTION 51. The polling places in the several election districts above designated shall be as follows : Voting places.

- | | |
|---|----------------|
| In the First Election District, at the house situated on the northeast corner of Second and Tatnall streets; | First district |
| In the Second Election District, at the house situated on the northeast corner of Second and Orange streets; | Second. |
| In the Third Election District, at the house situated on the southeast corner of Heald and Apple streets; | Third. |
| In the Fourth Election District, at the house known as the "Pelton House," on the southeast corner of Second and Walnut streets; | Fourth. |
| In the Fifth Election District, at the house situated on the northeast corner of Christiana and Madison streets; | Fifth. |
| In the Sixth Election District, at Witsil's store, on the southwest corner of Front and Madison streets; | Sixth. |
| In the Seventh Election District, at the house situated on the southeast corner of Fifth and Madison streets; | Seventh. |
| In the Eighth Election District, at the house on the northwest corner of Fourth and French streets; | Eighth. |
| In the Ninth Election District, at the house situated on the southwest corner of Fifth and Spruce streets; | Ninth. |
| In the Tenth Election District, at the LaFayette Hotel, situated on the southwest corner of Ninth and Shipley streets; | Tenth. |
| In the Eleventh Election District, at the house situated on the northeast corner of Sixth and Madison streets; | Eleventh. |
| In the Twelfth Election District, at some convenient place in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them; | Twelfth. |
| In the Thirteenth Election District, at the Askew building, situated on the northeast corner of Seventh and Market streets; | Thirteenth. |
| In the Fourteenth Election District, in the building now owned by McLear and Kendall, situated on east side of King street, below Ninth street; | Fourteenth. |
| In the Fifteenth Election District, at the house situated on the southwest corner of Fourteenth and King streets; | Fifteenth. |
| In the Sixteenth Election District, at the house situated on the southwest corner of Tenth and Orange streets; | Sixteenth. |
| In the Seventeenth Election District, at the school house known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets; | Seventeenth |
| In the Eighteenth Election District, at the house known as the "Logan House;" | Eighteenth. |

*Amendment—Chapter 208, current volume.

OF THE CITY OF WILMINGTON.

- Nineteenth. In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets;
- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth. In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place

What elections held.

Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, election for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

CITY ELECTIONS.

Elections by ballot.

SECTION 52. All elections shall be by ballot, and a plurality of votes cast shall make a choice.

City elections.

Who entitled to vote.

SECTION 53. At all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election and in the election district where he offers to vote for thirty days next preceding the election, and being otherwise qualified to vote at all State elections, and none others, shall be entitled to vote. If any person who may have had his domicile in said city shall actually remove to another place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time.

OF THE CITY OF WILMINGTON.

SECTION 54. At every annual city election in June, the qualified voters of each election district shall elect from among themselves an inspector and two assistant inspectors of election, who shall act as such for the election in such election district in the following year. The qualified voters of each ward shall, at the same time, choose a member of council for their ward, resident in the ward. A member moving out of his ward shall thereby lose his office, and the city council shall fill the vacancy. For choosing the assistant inspectors of election each voter shall vote for one person as assistant, and the two persons having the highest number of votes thus given shall be elected. Any ticket containing the name of more than one person for assistant inspector shall not be counted as to that office.

Election of
inspectors
and assist-
ants.Qualifica-
tion of voters

SECTION 55. If any inspector and assistant inspector of election for any election district, or two of them, shall die, remove, resign, refuse, or be unable to act, so that there shall not be two of said officers to preside and advertise a place of election for the election district, the city council shall, by appointment, supply such vacancy. And if at the time for opening any election the inspector, or an assistant inspector of election, be not present at the place of election, the voters there may, without ballot, by plurality choose a person to supply the place of such absent inspector or assistants.

Vacancies.
How filled.

SECTION 56. Before opening the election, the inspector and assistant inspectors of election shall take the following oath, or affirmation, to be administered by the inspector to the assistants respectively, and by either of the assistant inspectors to the inspector, viz; "I do solemnly swear, (or affirm,) that I will, this day, in conducting the city election of Wilmington, determine and act, in every particular, with impartiality and faithfulness, and that I will not do or consent to the doing of any wrong; in any respect, and that I will cause, to the best of my ability, a true return of the election to be made. So help me God; (or so I solemnly affirm.)"

Oath of
office.

SECTION 57. Upon closing the election, the inspector and assistants of election of each election district shall count the votes cast in such election district, depositing each ballot as it is counted in a box provided for that purpose. Before separating, they shall make a certificate under their hands, or the hands of a majority of them, showing the persons

Counting
votes.Certificates
of election.

OF THE CITY OF WILMINGTON.

Votes and
certificates.
Where kept.

Tie.

Duty of
council.

Returns ex-
amined.

Duty of
council in
case of tie.

Clerk of
council to
keep ballot
boxes.

elected as inspector and assistants of election for such election district, and also showing the state of the vote for mayor, president of council, member or members of council, assessor, and city treasurer, (when they or any of them shall have been voted for according to law) setting forth, particularly, the name of every person voted for for said offices respectively, and the number of votes cast for each. The said certificate shall be sealed up by the officers making the same, as also the box containing the ballots deposited as aforesaid, and said certificate and box shall be safely delivered by the said officers, or one of them, to the clerk of the council in his office on the day following the day of election, before the hour of ten o'clock in the forenoon; and for this purpose it shall be the duty of said clerk to be present in his office from the hour of eight o'clock to the hour of ten o'clock in the forenoon of such day. In case, for any cause, the clerk of council shall fail to attend at such time and place, the president of council, and in case of his failure, the mayor for the time being, shall attend and receive, take charge of, and safely keep said certificates and boxes until delivered to the clerk of council, or to the council at their next stated meeting. If in any district there be no choice of inspector, or of assistant inspectors, by reason of any two or more persons having an equal and the highest number of votes for the same office, the inspector and assistant inspectors holding such election shall so certify on their return to council, whereupon the council shall at their next meeting proceed to elect, and without unnecessary delay shall elect one of said candidates to such office for which he was a candidate. This section shall be construed subject to the provisions of Section 55, relating to assistant inspectors.

SECTION 58. The council, at their next meeting after an election as aforesaid, shall examine the returns thereof and proclaim the persons elected. If there be no choice for mayor, president of council, city treasurer, assessor, or for member of council in any of the wards by reason of two or more candidates having an equal and the highest number of votes for either of said offices, the council shall proceed to elect one of said candidates to such office for which he is a candidate.

SECTION 59. The clerk of the council shall carefully keep the ballot boxes, to be delivered to him as aforesaid, for two months, subject, during that period, to the order of the city

OF THE CITY OF WILMINGTON.

council for the purpose of examination in case of a contested election; and for default herein, or in case he shall in the meantime open or without the order of council suffer said boxes or any of them to be opened, or said certificates or any of them to be tampered with or destroyed, or shall otherwise make default in securely keeping said ballot boxes and certificates of election, the said clerk shall forfeit and pay to the State of Delaware a fine of one thousand dollars, or suffer imprisonment for a term not exceeding two years, or both at the discretion of the Court of General Sessions of the Peace and Jail Delivery. Penalty for violation.

SECTION 60. If any candidate for any of the offices before mentioned shall choose to contest the right of any person proclaimed to have been elected to such office, such candidate shall, within thirty days next after such election, cause to be presented to the council his petition, in writing, setting forth, particularly, the grounds and specifications upon which such election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just ground for contesting such election, and shall also at the same time cause to be delivered to the person whose election is contested a true copy of such petition. Upon the filing of such petition and affidavit, the council shall appoint a day, not less than ten nor more than fifteen days from the filing of such petition and affidavit, for hearing and determining the same, giving public notice thereof in two newspapers published in the City of Wilmington, if so many be published at the time; and upon the day appointed for such hearing, the said city council shall sit in the city hall, in the presence of such citizens and others as may choose to be present, shall hear the allegations and proofs of the parties, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The council shall have power to issue subpoenas, signed by the president of the council for the time being, and attested by the clerk, for persons and papers, to administer oaths and affirmations, to examine witnesses, to inspect the returns of the election, and, if necessary, to open the ballot boxes, count and tally the votes, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of the council, signed by its officers, shall be published in two newspapers printed in the City of Wilmington, and shall be final and conclusive. Contesting elections.
Petition to council.
Affidavit.
Notice to candidate.
Hearing.
Notice.
Evidence.
Subpoenas.
Oaths and witnesses.
Decision final.

OF THE CITY OF WILMINGTON.

Unlawfully
conducting
an election.

SECTION 61. If at any election held under this chapter, any inspector, assistant inspector of election, or other person who shall conduct the election, shall knowingly and willfully take and receive, or advise and consent to the taking and receiving of the vote of any person not entitled to vote at such election, or shall knowingly and willfully reject, or advise and concur in rejecting the vote of a person entitled to vote at such election, or shall use any fraud, falsehood, or deceit in doing and performing any of the duties, matters, or things required of him in this act, or the ordinances of said city touching said election, or shall refuse or willfully neglect to perform any of the said duties, matters or things, every such inspector, assistant inspector, or other person, shall, for every such offense, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, forfeit and pay to the State a fine of two hundred dollars. If any person not entitled to

Penalty.

Unlawfully
voting or in-
fluencing
voters.

vote at any such election shall vote at any such election, or if any person shall vote or offer to vote more than once at any such election, or if any person shall vote in any election district in which he has not resided for thirty days next preceding such election, or if any person shall influence or attempt to influence any voter in giving his vote by any reward, gift, or benefit, or promise of favor or advantage, every such person shall, for every such offense, upon conviction thereof as aforesaid, forfeit and pay to the State a fine of fifty dollars.

Penalty.

SECTION 62. A failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

SECTION 63. Any person duly elected to an office under the provisions of this act, who shall refuse or neglect to serve in such office, shall forfeit and pay a fine of fifteen dollars. *Provided*, That no person shall be required to serve two terms in succession.

THE FISCAL CONCERNS OF THE CITY.

Publication
of financial
statements.

SECTION 64. The council, in the month of July in each year, shall publish, for three days, in all the daily newspapers printed in the City of Wilmington, a summary of the fiscal concerns of said city for the previous year, setting forth the

OF THE CITY OF WILMINGTON.

whole amount of the existing debt of the city, by certificate, bond, note, or otherwise, the rate and amount of interest paid and when payable, the purpose for which each loan was created, the date of the ordinance under which each loan was issued, the amount issued and the amount outstanding at the time of publication; also the whole receipts of the treasury for the same year, the sources from which derived, and the amount received from each source, and the total payments made during the year on account of the several appropriations.

City debt and interest.

Receipts.

Payments.

SECTION 65. The fiscal year of the City of Wilmington shall hereafter begin on the first day of July. The council shall, on or before the first stated meeting in May in each year, cause to be prepared and laid before them estimates of the probable revenue and expenses of the city for the ensuing year, and an ordinance shall be passed at the last stated meeting in May of each year making appropriations for the expenses of the ensuing fiscal year, based, as nearly as may be, upon the said estimates, and the appropriations shall be specified and arranged under the heads or items designated in the said estimates. Unless some extraordinary occasion, not anticipated at the passage of the aforesaid ordinance, shall require further appropriations, the expenditures of the year under any head, or item of appropriation, shall not exceed that item of appropriation; and if further provision be required in addition to the appropriation to be made at the last stated meeting in May, as aforesaid, the extraordinary occasion, or necessity for the same, shall be set forth in the ordinance making the additional appropriation, and such ordinance shall not pass by less than the vote of two-thirds of all the members of council, a record of which vote shall be made upon the journal. Such vote shall be by yeas and nays.

Fiscal year. Beginning.

Annual estimates of revenue and expenses.

Annual appropriation ordinances.

Extraordinary appropriations.

Two-thirds vote.

SECTION 66. No money shall be paid from the treasury unless the same shall have been appropriated as aforesaid, and unless the order or draft for the payment of the same shall show upon its face the head or item of appropriation against which it shall be drawn; except in the case of money-proceeds arising out of a bonded debt authorized by the General Assembly for a specific use or purpose, in which case the order or draft for the payment of the same shall show on its face the fund against which it is drawn, and the specific use and purpose for which the same was created, and in the latter case the money shall be drawn upon the resolution of council, countersigned as in other cases.

No payments except by appropriation.

Exception.

OF THE CITY OF WILMINGTON.

Extraordi-
nary appro-
priation.
How paid.

SECTION 67. Whenever any extraordinary appropriation shall be made by the council, the amount so appropriated shall be paid out of the taxes, rents, or receipts of the fiscal year then current, if the same shall be sufficient; and in case the amount of any extraordinary appropriation shall be in excess of the taxes, rents, or receipts of the city for the fiscal year in which such extraordinary appropriations shall be made, such excess shall be provided for and included in the appropriations made and taxes levied for the succeeding fiscal year. To meet any extraordinary appropriation under this section, the council may temporarily borrow from the banks, or other sources, such sums as may be needed for such purpose without incurring the penalties provided for under Section 71 subsequent.

Temporary
loan.

Appropri-
ation to fire
companies.

SECTION 68. In any donations or appropriations to fire companies of Wilmington by the council, the amount granted shall not exceed twenty-five hundred dollars to any one company, annually, except that said council may grant an additional sum, not exceeding two hundred dollars, annually, to the Washington Fire Company for the hook and ladder apparatus of said company.

Publication
of appropri-
ation ordi-
nances.

SECTION 69. The clerk of the council shall publish, in two newspapers of the said city, a copy of the ordinances making appropriations for the year, together with the estimates for the year, immediately after such ordinances are passed, and in like manner a copy of any ordinance making additional appropriations; and for default in the performance of this duty he shall forfeit and pay a fine of fifty dollars.

Yeas and
nays on bor-
rowing
money.

SECTION 70. Upon all questions before the council touching the borrowing of money, the vote shall be by ayes and noes, and shall be entered upon the journal; but the Mayor and Council of Wilmington shall not have power or authority to borrow money for any purpose whatever except in such cases as are or may be expressly authorized by law.

Extent of
limitation in
borrowing.

SECTION 71. The funded debt of said city shall not exceed the sum now authorized by law except as may hereafter be provided by act of the General Assembly, and the said funded debt being so limited, the Mayor and Council of Wilmington, or the Council of Wilmington, shall have no power, or authority, to borrow money, or contract or create any debt or liability, or to make any ordinance for borrowing money or contracting or creating debt or lia-

OF THE CITY OF WILMINGTON.

bility, (except ordinary debts and liabilities in the common course of carrying on the work and business of the said city, to be paid out of the taxes, rents, or receipts of the year for the time then current,) and if the said debts and liabilities shall not be so paid, the same shall bind the members of council for the time then being personally, other than those shown by the journal of the council to have been absent or to have voted in the negative when the ordinance, order, or proceeding under which the debt or liability arose was passed or had making them jointly and severally responsible; and any member of council who shall vote to borrow any money, or contract any debt or liability contrary to the provisions of this section, shall be deemed guilty of dereliction in duty, and shall thenceforth be deemed and be incapable of holding any office of honor, profit or trust under this act or created by or existing under any law of the State of Delaware.

Personal responsibility of members of council.

SECTION 72. When any part of the said funded debt is redeemed, there shall not, on that account, be any addition to said debt on any pretense whatsoever unless authorized by the General Assembly, but the said debt shall decrease, by regular diminution under such redemption, until the whole shall be discharged. *Provided*, that if, through calamity or casualty, the city hall, or the water works, or any part thereof, shall be destroyed, or injured beyond the available means or ability of the city treasury at the time to repair or replace, the Mayor and Council of Wilmington, under authority of an ordinance of the council to be passed with the concurrence of three-fourths of all the members, shall have power to borrow, on temporary loan, a sum to be specified in such ordinance for repairing or replacing the property or work injured, or making a suitable substitute therefor, which sum shall be applied to that purpose and no other, and shall be payable in such time, times, or manner as the ordinance shall prescribe.

Regular diminution of debt until whole is discharged.

Calamity to city hall or water works

Authority to borrow to replace property.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 73. The Council of Wilmington shall, at its first stated meeting in the month of May, A. D. 1883, choose, by ballot, from the citizens of Wilmington having a right to vote at the city elections and owners of real estate in the city to the assessed value of not less than one thousand dollars, three persons to constitute the Board of Assessment, Revision and Appeals for the City of Wilmington. The

Election of board of assessment.

OF THE CITY OF WILMINGTON.

Terms of
office.

terms of office of the members of the board of assessment, revision and appeals, as heretofore constituted, shall expire on the day of the first stated meeting of council in May, A. D. 1883.

Terms of
office decid-
ed by lot.

SECTION 74. The members of said board shall not be members of the council, or of the board of public education in Wilmington, or engaged in business as real estate agents. Immediately after their election the members of the said board shall draw lots for their respective terms of office; the said terms to expire in one, two and three years from the day of their election. The council shall, at its first stated meeting in the month of May, A. D. 1883, and in every year thereafter, elect from the citizens, as aforesaid, one member of the board of assessment, revision and appeals for the term of three years and until a successor is elected; *provided* that the minority of the members of said council shall always be entitled to have and elect one of the members of said board of the same political party as themselves. Should any vacancy occur in the said board by reason of the death, resignation or refusal to serve of any person or persons so chosen, or by reason of any other cause, such vacancy shall be filled by the council for the unexpired portion of the term for which such election was or should have been made.

Council an-
nually to
elect one
member.

Proviso.

Vacancies.
How filled.

Oath of
office.

SECTION 75. The said persons so chosen shall, during their term of office as aforesaid, constitute a Board of Assessment, Revision and Appeals for the City of Wilmington. They shall, before entering upon the duties of their office, take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and to perform the duties of the office to which they have been appointed with fidelity.

Powers of
board.

SECTION 76. The said board of assessment, revision and appeals, or a majority of them, shall determine and do any of the acts hereinafter mentioned. They shall exercise a general and supervisory power over the assessors and collectors for the city, and shall cause them to make a faithful, full, fair and complete assessment of all the property in their respective districts liable to taxation, as hereinafter provided. The said board may adopt such rules and regulations as they may deem expedient to produce fairness, equality and completeness of assessments, and shall have full power, at any time, to examine the assessments while the assessors and

OF THE CITY OF WILMINGTON.

collectors are making them, and cause them to be conformed to such rules and regulations as the said board may have adopted in the premises.

SECTION 77. There shall be elected, at the city election, in the year 1883, and in every third year thereafter, two Assessors and Collectors for the City of Wilmington for the term of three years each, one of whom shall reside in and be voted for and elected in and for that portion of the city north of Sixth street, the other one in and for that portion of the city which lies south of Sixth street. Whenever a street is named as a boundary in this section, the center thereof shall be understood. The assessors shall be also the collectors of the city for their respective districts, and as such shall give bonds as provided in Section 97 of this act. A failure to elect by reason of two or more persons voted for for the office of assessor and collector having a legal and at the same time the highest number of votes for such office shall be deemed a failure to hold an election as to such officer, and thereupon the city council at its next meeting shall elect such officer.

Election of assessors and collectors. Residence.

Bonds.

In case of tie, city council to elect.

SECTION 78. No person shall be elected an assessor and collector as aforesaid, who shall not have been, for at least six months before his election, the owner of a freehold estate within the said city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars clear of all incumbrances.

Freehold qualification

SECTION 79. The city assessment for tax shall be completed by the assessors by the second day of January of each year, and the taxes collected by the thirty-first day of December in the succeeding year, to which time the authority of an assessor and collector whose term of office has otherwise expired may extend, for the purpose of collecting outstanding amounts; and for any amounts remaining upon his duplicate uncollected at that time, and not sufficiently accounted for and allowed for errors, delinquencies or otherwise by the finance committee of the council, the said assessor and collector and his sureties may be held accountable upon their bond.

Completion of assessments.

Collection of unpaid taxes.

Allowance for errors.

SECTION 80. All real estate within the said city shall be assessed, except real estate belonging to the United States, the State of Delaware, New Castle county, or the City of Wilmington, cemeteries and burying grounds, churches and meeting houses belonging to any religious society and used

Assessable property. Exception.

OF THE CITY OF WILMINGTON.

for public worship, real estate owned and used for charitable purposes by the associations known as the "Trustees of the Home for Friendless and Destitute Children in the City of Wilmington," "Home for Aged Women," "Sisters of Charity," and buildings owned and occupied by fire companies.

Assessment.
How made.

The assessment of real estate shall be made according to a certain rate in and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so *pro rata*.

The real estate shall be described with sufficient particularity to be clearly identified, the principal improvements thereon, if any, to be also specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "owner unknown."

Poll tax.

Every male citizen above the age of twenty-one years shall be rated for a capitation or poll-tax in addition to the assessments of his real estate, at a capital not exceeding two thousand dollars nor less than one hundred dollars.

Assessment
delivered
to board of
assessment.

SECTION 81. The Assessors and Collectors shall complete the assessment for the said city in each year by the second day of January, on or before which day they shall deliver the same to the said Board of Assessment, Revision and Appeals for the City of Wilmington. The board, upon receiving such assessment, shall forthwith examine it, with power to revise,

Alterations.

alter, or add any assessment on or before the ensuing twentieth day of January.

Filed in
clerk's office
Notice.

After receiving said assessment the board shall cause it to be filed in the office of the clerk of the council, who thereupon shall give public notice, by advertisements printed in two newspapers and posted in the most public places within the city, that such assessment, being completed, is filed in his office for public inspection, and also designating the time appointed by this act for the sitting of said board for appeals. Such notice shall be continued until the time for sitting of said board for appeals as aforesaid.

Court of ap-
peals.

SECTION 82. On the first day of February (or if that be Sunday then on the day following) the said board shall sit to hear appeals from assessments, and shall continue to sit for that purpose for fifteen successive days, or for so long as may be necessary to adjudge appeals.

Additional
assessments.

Upon appeals the said board shall have power to alter any assessments and to make additional assessments, and to determine and to do whatever may appertain to justice and right. Appeals may be filed,

Hearing
appeals.

in writing, in the clerk's office, or made directly to the said board. No appeal shall be received or heard, or adjudication

OF THE CITY OF WILMINGTON.

of appeal made, nor shall the assessment list be altered or added to after the tenth day of March: *Provided* that real estate not assessed by the assessors and collectors may be assessed by the said board at any time before the day of the city election, previous notice of such intended assessment, designating the time at which the same will be made, being given by the said board, in writing, to the owner or owners, or if he, she, or they be absent from the city, then to the person or persons in possession of the premises. *And provided also* that the said board, at any time before the day of the city election, after the assessments shall be completed, upon the application of any person who was residing within the city before the completion of the assessments and was omitted therefrom, shall rate such person for a capitation or poll tax, and shall thereupon cause his name to be added to the assessment lists. Real estate assessed, or persons rated as herein provided after the completion of the assessments, shall be so assessed or rated upon both the city and school assessment lists. Such real estate, or persons being so assessed or rated, shall thereupon be liable to pay taxes for the current year at the rate per centum which shall have been determined by the city council, and necessary additions shall be made to the lists provided for in Section 84 of this charter. The assessment books or lists shall be the property of the city and shall be kept in the office of the clerk of council.

Additions.

When made.

Notice to owners.

Additional poll taxes.

Additions subject to both city and school taxes.

Custody of books.

SECTION 83. To the end that the sums necessary to be raised for public schools in Wilmington may be assessed and collected by the same proceedings had for collecting the city tax and as constituting a part of the city tax, the said board shall, as soon as the city assessments shall have been completed as aforesaid, and before the thirtieth day of May in each year, cause to be made an assessment to be called the school assessment, which shall be made as follows, viz: The assessment of real estate within the city shall be taken from the assessment of real estate on the city assessment; and the assessment of personal estates and persons, to wit: stock, plate and the rates for capitation or poll taxes, shall be transferred from the assessment list of Wilmington hundred standing in the Levy Court of New Castle county for the time then being. It shall be necessary to transfer amounts only, without specification or particulars. No appeals shall be taken from the assessment so made, and there shall be no variation of the assessments transferred; but if there be any person in Wilmington hundred legally liable to be assessed for personal

School assessment.

No appeals.

OF THE CITY OF WILMINGTON.

property, or rated for capitation or poll tax, not found on the assessment list of Wilmington hundred, the said board may assess such person for personal property and rate him for such a capitation or poll tax on the school assessment as to law and right shall appertain, giving to such person due notice and opportunity to be heard.

Levying of
city tax.

SECTION 84. The assessments being so settled as aforesaid, the said board shall, on or before the first day of June, lay the same before the Council of Wilmington, who shall, without delay, determine the whole amount of money necessary to be raised for the use of the city by taxation during the year of said assessment, and shall apportion such amount among the several persons and estates assessed upon the city assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*.

Levying of
school tax.

The council shall also, at the same time, "include" the sum necessary to be raised for the use of the public schools of the said city by taxation during the year last aforesaid, and shall apportion such amount among the several persons and estates assessed upon the school assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*; and the amount so apportioned shall be collected under the provisions hereinafter contained as other city taxes, and shall constitute part of the city taxes within all the provisions of law applicable to the same. The clerk of the council shall thereupon immediately make out a correct list for each district of the city, showing the names of persons and estates assessed upon both the aforesaid assessments, with the whole amount of tax laid upon the several persons and estates under the foregoing provisions, and the said lists, with the warrant of the council to collect the taxes thereon, being signed by the president of council and countersigned by the clerk, shall be delivered to the said assessors and collectors respectively on or before the thirtieth day of June, whereupon it shall be the duty of the said assessors and collectors to forthwith collect and receive the taxes thereupon.

Duty of
clerk of
council.

Bill and re-
ceipt for
taxes.

SECTION 85. At the request of any person paying a tax which has been assessed upon his person or property, the assessor and collector shall make out and deliver to him a bill, showing, in addition to the amount of tax, how much of it is laid upon his person and personal property as shown by the school assessment list, and how much of it is laid

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upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof appearing upon the city assessment list. All books and papers filed in the office of the clerk of the council, touching the assessment, receiving or collection of taxes, shall be open to the inspection of any person interested in the same.

Assessment
books may
be inspected

SECTION 86. The council shall have power, by ordinance, to enjoin upon the clerk of council and the assessors and collectors any duties in addition to those in this act specified touching the assessment and collection of taxes which it shall deem necessary or proper for carrying into effect the provisions of this act touching and concerning the same, and may enforce, by suitable penalties, any duties so enjoined by this act or by such ordinance as aforesaid.

Additional
duties of
clerk of
city council
and collector

SECTION 87. Upon the delivery to an assessor and collector of such lists, with the warrant of the council to collect such taxes, he and his sureties, his and their executors and administrators, shall become and are hereby declared to be responsible for the whole amount of money which it shall be his duty to collect, subject only to such just allowances as shall be made to him or them upon settlement with the finance committee, as hereinafter is provided.

Liability of
collector and
sureties.

SECTION 88. All city taxes assessed as aforesaid, paid during the month of July shall be entitled to an abatement by the assessors and collectors of five per centum; all such taxes paid during the month of August shall be entitled to no abatement; all such taxes paid during the month of September shall be increased by the addition of five per centum to the amount thereof; taxes not paid until after the month of September shall be increased by the addition of five per centum to the amount thereof.

When abate-
ment of
taxes
allowed.

SECTION 89. If any assessor and collector die, or remove from the said city or district in and for which he shall have been elected as aforesaid, or become incapable of performing his duties, the council may, upon petition by the sureties of such assessor and collector and being satisfied that it is a proper case for relief, appoint another person to collect the residue of the unpaid taxes, and may compel the delivery to such person of the list and warrant, or cause a new one to be

Death of
collector or
assessor.

Vacancy.
How sup-
plied.

OF THE CITY OF WILMINGTON.

issued to him, bond with surety being first given as required by this act from the original assessor and collector. And thereupon such other person so appointed, and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes, subject to allowances as herein provided. Such appointment shall not discharge the sureties of the first assessor and collector from any part of their original responsibility, but all sums collected by the substituted assessor and collector shall be credited to him. All the powers, duties and liabilities of the first assessor and collector shall devolve upon the substituted assessor and collector and his executors and administrators upon final settlement with the finance committee as herein provided. The said committee shall make a just apportionment between the original assessor and collector, or his representatives, and the substituted assessor and collector of the compensation allowed for the collection of taxes.

Settlement
with repre-
sentatives of
deceased
collector.

Tax lien.

SECTION 90. All taxes for city and school purposes which may hereafter be lawfully assessed on real estate in the City of Wilmington shall constitute a prior lien thereon from their said assessment until the "thirty-first day of December in the succeeding year," and may, with all incidental costs and expenses, be levied by sale thereof as herein-after provided. The said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to from and after the passing of this act. In case any dilatory or adverse legal proceedings, by or on behalf of any delinquent taxable against said assessor and collector, or against the Mayor and Council of Wilmington, should delay or prevent the collection of the tax beyond the thirty-first day of December in the succeeding year after its assessment, the lien of such tax on the real estate therein provided shall continue and be extended for a period of six months after the termination of such dilatory or adverse proceedings, or for so much thereof as may be necessary to complete the collection of said tax as provided for in Section 91 of this act.

Goods and
chattels may
be sold for
taxes.

SECTION 91. If any person, assessed as aforesaid, shall neglect or refuse to pay the sum which any assessor and collector shall be required to collect from him, or any part thereof, for ten days after demand made, the said assessor and collector shall levy and make the same by distress and

OF THE CITY OF WILMINGTON.

sale of the delinquent's goods and chattels, rendering the overplus, if any, after deducting reasonable charges, to the owner or owners thereof, or if no such distress can be found by the assessor and collector, the said tax may be collected from, or levied upon, the goods and chattels of any of his tenants, if such there be, who shall be allowed to set off the amount thereof against any demand for rent on the part of such delinquent landlord, or if there be not rent sufficient to cover the amount so paid or levied, it may be recovered by such tenants from the landlord, with costs. And if any grounds, buildings, or estate belong to a minor or minors, or person or persons absent from the city, the tax laid upon the assessment of such grounds, buildings, or estate may be collected from the person or persons having the care of such grounds, buildings, or estate, and the receipt of the assessor and collector for money so paid shall be a sufficient voucher to all executors, administrators, guardians, trustees, or attorneys, against those whom they represent. If any person or persons from whom any tax is required to be collected, or their executors, administrators, guardians, trustees, or attorneys cannot be found or shall refuse to pay the tax as aforesaid, and no goods or chattels of such person sufficient to satisfy such tax can be found, and the same cannot be collected from any tenant or tenants of such person, or if the owner or owners, or other proper person or persons, having the care and charge over any real estate assessed and described as belonging to "owner unknown," as aforesaid, cannot be found, the assessor and collector shall make and deliver to the solicitor for said city a certificate of the facts under oath or affirmation, together with a brief description of the real estate on which said tax shall have been assessed, and the name or names of the person (if known) against whom as owners of said real estate said tax has been assessed; and the said solicitor shall file the said certificate in the office of the prothonotary of the Superior Court of New Castle county, and judgment shall thereupon be entered therein in favor of "The Mayor and Council of Wilmington" on said described real estate and against the said owner or owners thereof if known, and a writ of *levari facias* shall forthwith be issued thereon, by virtue of which it shall be the duty of the sheriff of said county to advertise and sell the said real estate upon which said taxes have been assessed, under like proceedings as by law are required in the sale of lands and tenements under execution process, and make return thereof to the next regular term of the said

Goods, etc.,
of tenant set
off for rent.

Taxes of
minors.

Taxes of non
residents.

Certificate
of collector
delivered to
city solicitor

Where filed.

Entry of
judgment.

Sale of real
estate.

Return.

OF THE CITY OF WILMINGTON.

Superior Court after the issuing of said writ, and the court may inquire into the circumstances and regularity of the proceedings and either approve the sale or set it aside. If the court approve of said sale, the sheriff shall make a deed to the purchasers, which shall convey all interest and property in and to the real estate so sold. If the sale be set aside and the said tax be still a lien on said real estate, the court may order another sale, and so on until the tax be collected. Such disposal of the surplus proceeds of said sale shall be made by the court as may be deemed just. No sale shall be approved if the owner be ready at court to pay the taxes and costs, and no deed shall be made until the expiration of two years from the time of sale, within which time the owner or owners, his or their heirs, executors or administrators, shall have power to redeem the said real estate so sold on payment to the purchaser or purchasers, his or their heirs or assigns, of the amount of the purchase money and costs and twenty per cent. interest. Proceedings for redeeming land so sold as aforesaid shall be by petition to the said Superior Court, and the said court shall have full power to make all proper rules and orders thereon. If no such grounds, buildings, or estate be found, the assessor and collector shall take the body of such delinquent person and deliver him to the keeper of the common jail of New Castle county, to be detained in safe custody until the said tax, with costs, be paid, or such person be legally discharged.

All the powers herein vested in an assessor and collector shall devolve upon and be exercised by his executors and administrators, except in cases where a substitute shall be appointed, as provided in Section 88 of this act. On the first Saturday of September, in each year, the assessors and collectors shall advertise, in two of the daily newspapers of the City of Wilmington, a full list of the persons whose taxes as aforesaid for the preceding year are at that date unpaid, together with a brief description of the real estate taxed, and shall, within two weeks thereafter, make and deliver the certificates required by this section to the solicitor for said city for all such taxes assessed on real estate as aforesaid which shall not then have been paid.

SECTION 92. It shall be the duty of the said assessors and collectors, on demand and tender of fees, to furnish certificates, under their respective hands and official seals, of all such taxes which are a lien on real estate in their respective districts. The fee shall be twenty-five cents for each certificate.

Deed and title

Redemption proceedings

Imprisonment for taxes.

Powers of collector devolved upon executor.

Tax lists.

Certificates.

Fee.

OF THE CITY OF WILMINGTON.

cate. The duties required of the assessors and collectors under this section shall be one of their obligations covered by the conditions in their official bonds.

SECTION 93. Every assessor and collector shall pay to the city treasurer, or make such deposits in bank to the credit of "The Mayor and Council of Wilmington" of the sums he shall from time to time collect, at such times and in such manner as the council may by ordinance direct. Payments to city treasurer.

SECTION 94. Every assessor and collector shall appear before the finance committee at such time or times and place as they shall appoint and produce to them the list of taxes as aforesaid, together with his receipts for payments to the treasurer or certificates of deposit as aforesaid, and thereupon the said committee shall ascertain and determine whether, after a just allowance for errors, delinquencies, or otherwise, any and what sum is due and unpaid from such assessor and collector to the city. The said committee, or a majority of them, shall make and sign two certificates of their determination in the premises, one of which shall be delivered to the assessor and collector and the other to the city treasurer. If by such certificates any balance appears to be due and unpaid to the city the assessor and collector shall pay the same within fifteen days thereafter, and if such balance be not so paid, the city treasurer shall certify the fact to the city solicitor, who shall forthwith take legal process for the collection of the same from the assessor and collector and his sureties. Settlement with finance committee. Allowance for errors. Certificates. Payment and collection of balance.

SECTION 95. The salaries or compensation of the said assessors and collectors shall be established and regulated by the said council and paid upon warrants authorized by the said council to be drawn on the treasury of said city. Salaries.

SECTION 96. The said board shall have full power to examine the books of plans of the said city in the office of the chief engineer of said city.

SECTION 97. Each of the said assessors and collectors shall, before entering upon the duties of his office, take an oath or affirmation similar to that hereinbefore prescribed to be taken by the members of the said board of assessment, revision and appeals, and shall give bond to "The Mayor and Council of Wilmington," with freehold security to be approved by the mayor and president of council, in the amount to be determined by the council, conditioned for the Assessors and collectors sworn. Bond. Condition.

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Warrant of attorney.

faithful assessment of his district and collection of the taxes assessed therein, and for the faithful performance of all the other duties of his office that may be prescribed by the said council, and with a warrant of attorney for the confession of judgment thereto attached. Such bonds must be given by the assessors and collectors within five days after their election.

Exemption.

SECTION 98. The council shall not have power to release or exempt any person or persons who are liable to taxation from their proper share or proportion of the taxes of the city either by commutation for services, by gratuity, or otherwise.

Tax on horses, etc.

SECTION 99. There may be assessed and collected by the Mayor and Council of Wilmington, for the use of the city, an annual tax upon each horse, mule, ass, or animal of the horse kind, owned or kept within the limits of the City of Wilmington, and the council shall have power by ordinance to prescribe the manner of assessing and collecting the same.

Telegraph, telephone, and electric light poles.

SECTION 100. The Mayor and Council of Wilmington shall have power and authority to levy and collect taxes upon all telegraph, telephone and electric-light poles and other erections of like character erected within the limits of the City of Wilmington, and the council may, by ordinance, prescribe the mode of levying and collecting the same. In case any of the owners or lessees of any such poles or erections erected within said city shall refuse or neglect to pay the taxes that may be levied upon such poles, the council shall have authority to cause the same to be removed and may institute suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles or erections.

Removal.

City bonds exempt from taxation.

SECTION 101. All bonds of the City of Wilmington which have heretofore been issued, or which shall hereafter be issued under any ordinance of said city and by authority of any law of this State, shall be exempt from taxation under any law of this State, and from and after the passage of this act no county tax shall be collected from any persons holding the bonds of said city for or on account of said bonds.

REGISTRATION OF REAL ESTATE WITHIN THE CITY.

Registration of real estate within the city.

SECTION 102. The Chief Engineer of the City of Wilmington, under an ordinance and appropriation by council, shall cause to be made books of plans of the said city, divided

OF THE CITY OF WILMINGTON.

into sections so far as the streets of the said city are or shall be laid out, which shall show the situation and dimensions of each property therein, with the city numbers thereof, who are the owners, with such succession of blank columns as will permit the names of future owners to be entered therein, with the dates of transfer and with index for recording such names alphabetically; and the person or persons who shall be employed to perform such duty shall have access to all books in the recorder of deed's office, and all records of the courts, and in the register's office, and may take copies or extracts thereof without any charge therefor.

SECTION 103. The original books, when made, shall be kept in the fire-proof of the department of surveys of the said city, and the chief engineer shall keep up the said books so as to show at all times who are the owners of the lots on the plans (and said books shall at all times be accessible to the assessors of said city), and said books shall be kept in such manner as not to destroy the evidence of the ownership at any previous time, but by additions which will show the subdivisions of property and the owners thereof as transmissions of title may take place; and the chief engineer may furnish copies of the said books, or parts thereof, for such price as may be fixed by council, for the use of the city, and his certificate shall be received in evidence as and for such proof as the assessment books would be; and lithographed copies of the said books may be multiplied and sold for the profit of the said city.

Books,
where kept.

Duty of
chief engi-
neer.

Certificate

SECTION 104. To enable the chief engineer of the city to keep up the said books of plans, it shall be the duty of every seller and buyer of ground upon the planned plot of the City of Wilmington to make report to him of every conveyance made, with the precise dimensions and locality of the premises, and so doing the same shall be recorded without charge and noted on the deed of conveyance by said chief engineer or assistant; but if said seller and buyer shall both omit said duty, the recorder of deeds of the county of New Castle shall not admit the deed of conveyance to record in his office without charging twenty-five cents for each lot described therein, and it shall then be his duty to furnish the proper description of such lot or lots, with the date of conveyance and name of grantor or grantee, within one month, into the office of the department of surveys, under the penalty of one dollar for each omission, to be recovered as

Report by
owner of
conveyance.

Recorded.

Duty of
Recorder.

OF THE CITY OF WILMINGTON.

penalties for taking unlawful fees are recovered for the use of the said city; and it shall be the duty of every purchaser of houses and lands at judicial sales, and of every one to whom an allotment in partition shall have been made, and every devisee by will, to make return to the chief engineer of the purchase he has made, or allotment he has received, and of all devises made to him by will, with descriptions as aforesaid, which said chief engineer shall receive without charge, but if he shall not have done so simultaneously with the completion of his purchase, or on partition effected, or if on probate of any will the devisee shall not have done so, as to any houses or lands in the said city purchased, allotted or devised, it shall be the duty of the clerk or prothonotary of the proper court under whose authority such judgment or partition shall have been made, and for the register of wills, to furnish such descriptions as are above required of the the recorder of deeds, so far as the wills to be proved in his office shall enable him to do so, for the like charge and under the same penalty; and the clerk or prothonotary and register may make such charges against such purchaser or party taking in partition, or devisee, on delivery of the deed certifying proceedings in partition or granting probate of the will, and that whether the same be in trust or for any estate for life only, or otherwise, unless the party interested shall produce to him or them the certificate of the chief engineer that such duty has been performed.

Of clerk or
prothono-
tary.
Of register
of wills.

Liable for
taxes.

SECTION 105. If neither the seller nor buyer, devisee, nor heir, or other party who has acquired title to houses and lands in the said city shall have furnished the description of the property sold as aforesaid, both he who may have parted with and he who acquired title shall be liable for the taxes thereafter assessed thereon, without right of reclamation or contribution thereof either against the other.

Violation.

SECTION 106. And should the chief engineer apprehend that conveyances, or devises, or descents of houses or lands shall have taken place without being reported to him, he shall cause search to be made therefor and perfect his book of plans; and every person found delinquent for six months after acquiring title as aforesaid in making report as aforesaid shall be liable to a fine of five dollars, to be recovered by said engineer in the name of the city as debts of that amount are by law recoverable.

Fine.

OF THE CITY OF WILMINGTON.

SECTION 107. The chief engineer shall preserve on file, ^{Duties of chief engineer.} arranged alphabetically and according to date, all reports made to him of descriptions of houses and lands, and for twenty-five cents shall give his certificate at the foot of a duplicate of the description of the designated property or properties when a duplicate of description shall be produced to him with the certificate written out for his signature, and his certificate shall be evidence for the receiver of it; and any clerk, prothonotary, or register, and all others, that this law has been complied with.

REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 108. The council shall appoint, on the first ^{Registrar of births, deaths and marriages.} Thursday of July, A. D. 1886, and on the first Thursday of July in each fifth year thereafter, a City Registrar, who shall be register of deaths, births and marriages, and secretary of the board of health. His term of office shall be five years. ^{Term of office.} The present city registrar shall continue to hold office (and perform the same duties as are now by law prescribed) until the first Thursday of July, A. D. 1886, and until his successor shall be appointed as provided in this section.

SECTION 109. The said registrar shall keep a separate ^{Duties of Registrar.} record of deaths, births and marriages, with a correct alphabet of reference of every name and page. The said registrar shall also perform such other duties as the council shall from time to time direct properly appertaining to his office, and shall be subject to removal by the council for just cause. The said council shall furnish the registrar a suitable office and also find all necessary books, blanks and stationery.

SECTION 110. It shall be the duty of the parents of the child, midwife, nurse, or one of them, or such person as council shall determine, within ten days after the birth of any child, to file notice thereof with said registrar; such notice to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and be filled out and written in and upon such blank or blanks as may be furnished by the registrar. It shall be the duty of ^{Notice of births.} the officiating clergyman, or magistrate, or other person performing any marriage ceremony, within five days thereafter, to file a notice thereof, in writing, with said registrar, containing a full, truthful and complete statement of all such facts as may be required by the registrar, and to be filled out and written on such blank or blanks as may be furnished by ^{Notice of marriages.}

OF THE CITY OF WILMINGTON.

Notice of
deaths.

Return by
coroner.

Permit for
burial.

the registrar. It shall be the duty of every physician who has attended any person deceased during last illness, or, in case there shall have been no attending physician, then it shall be the duty of the householder in whose family any death occurs, and in case of any inquest being had it shall be the duty of the coroner holding such inquest to make return to the said registrar of the facts of such death; such return to be in writing and to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and to be filled out and written on such blank or blanks as may be furnished by the registrar. Upon the return of such certificate the said registrar shall issue a permit, signed by him, authorizing the removal for burial of the body of the person deceased; and no keeper of any hearse, or hackney coaches, or other person, shall receive, carry or convey said body from any premises, and no undertaker or other person shall remove or assist in the carrying or conveying of said body from any premises, and no sexton, undertaker or other person shall bury or assist in the burial of any body except upon the production to him or them of such certificate duly issued by the registrar. It shall be the duty of any undertaker, or other person, before they shall remove any dead body from the city, to obtain a health permit from the registrar, and to file a notice containing a full, truthful and complete statement of all such facts as may be required by the registrar, to be filled out and written on such blank or blanks as may be furnished by the registrar.

Penalty.

SECTION 111. Any person neglecting or refusing to comply with any of the provisions of the immediately preceeding three sections, and any person violating any of its provisions, shall be subject to a fine of ten dollars for every such violation or neglect or refusal, to be recovered in the municipal court of said city in the name of the registrar and paid into the city treasury.

Registrar's
seal.

Evidence.

SECTION 112. The registrar shall have a seal of office, and his records of deaths, births and marriages, or certified copies thereof under his hand and seal of office, shall be competent evidence in all cases. The council shall have full power to enact all ordinances in its discretion necessary and proper to effect the purposes of the immediately preceding four sections.

OF THE CITY OF WILMINGTON.

VACATING OF ROADS.

SECTION 113. No public or private road included within the limits of said city shall hereafter be vacated, either upon the application of the city council or of any person interested, unless notice of the intention to apply, either to the General Assembly, or to the Court of General Sessions of the Peace and Jail Delivery, to vacate such public or private road, be first published for the period of thirty days in two of the newspapers published in said city prior to such application; and when any such road shall have been vacated as aforesaid, any person sustaining injury thereby may apply to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county to appoint three disinterested and impartial persons to value the damages which he has sustained, and the damages so assessed shall be paid by the city council aforesaid before said road so vacated shall be closed up or obstructed.

Roads vacated.

Notice.

Damages. How ascertained and paid.

STREETS.

SECTION 114. The several posts and mark-stones now set and fixed in the earth in the middle of the streets of said city, as well as all such other posts and mark-stones as shall from time to time be set and fixed in the earth by the city surveyors or regulators, shall in all cases and in all courts of law within this State be deemed, taken and allowed as landmarks. And if any person shall willfully pluck up or remove any of said posts or mark-stones such persons shall, for every such offense, forfeit and pay a fine of one hundred dollars; and the council may reward the informer of such offense by allowing him a portion of said penalty not exceeding a moiety thereof.

Street centre stones.

Removing centre stones

Penalty.

Reward of informer.

SECTION 115. It shall be lawful for the council, from time to time and as occasion may require, by ordinance passed for the purpose by a vote of two-thirds of all the members thereof for the time being, further to extend or to widen any street, square, lane, road, or alley laid down upon the map, plan, or ground plot of said city, and likewise to lay out all necessary new streets, squares, lanes, roads, or alleys within said city, except where heretofore expressly prohibited by legislative enactment still subsisting.

Extending and widening streets, lanes, and alleys.

New streets.

SECTION 116. Before any property or ground shall be taken or occupied for the purpose of extending, widening, laying out or opening any street, square, lane or alley under the provisions of this act, the owner or owners of such

Damages to owners of ground taken for streets.

OF THE CITY OF WILMINGTON.

property or ground shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed as follows, viz: Upon the written application of the mayor, under the direction of the council, and reasonable notice to the persons interested if residing in the city, the associate judge of the Superior Court of this State, resident in New Castle county, shall issue a commission under his hand, directed to five impartial freeholders of said county, commanding them to assess the damages that may result from the extending, widening, laying out or opening of such street, square, lane or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all the circumstances of benefit and convenience as well as of detriment to result to such owner or owners, and to make return of their proceedings to the said judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages aforesaid, and shall make return in writing of their proceedings in the premises to the said judge, who shall file the same in the office of the clerk of the council. The return upon one commission shall not be conclusive; but upon application by the mayor as aforesaid, or of any person interested, within fifteen days after the filing of such return, the judge shall issue a commission of review, appointing five other freeholders as aforesaid, with like instructions as were contained in the first commission; *provided* that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review vary in the damages assessed from the return to the original commission, the judge shall grant a second commission of review upon the application of the mayor as aforesaid, or of any person interested in the return to the commission of review, within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive. But if there be more than one return and none conclusive, under the foregoing provisions, the judge shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive. The judge may

Application for commission to assess damages.

Consideration of benefits and injuries.

Return of freeholders.

Commission of review.

Proviso.

Second review.

Approval by judge.

OF THE CITY OF WILMINGTON.

set aside a return to a commission for gross inequality or inequity, in which case he shall issue another commission in its place. The judge shall have power to fill any vacancy in a commission. There shall be allowed to the commissioners for their services three dollars per day, to be paid by council. The amount of damages being so ascertained, the council may pay or tender the same to the person or persons entitled thereto within two calendar months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of or are absent from the city during said period of two months, then the same may be deposited to his or her credit in the Farmers' Bank of Delaware at Wilmington within said time, and thereupon the said property or ground may be taken or occupied for the use aforesaid. Whenever damages shall have been assessed to any owner or owners of property for the opening, extending or widening of any street, square, lane or alley, and the council shall fail, omit or neglect to pay or tender the amount of said damages to the person or persons entitled to the same, or to deposit the same in the manner and within the time herein provided for such payment or tender or deposit, no further application or proceedings shall be made or had for the opening, extending or widening of said street, square, lane or alley, through or upon the same land or premises for which said damages were assessed, until after the expiration of one year from and after the said assessment. In any proceedings hereafter taken for extending any street, no person or persons shall be entitled to any damages for any house, building or structure hereafter placed or erected within the City of Wilmington upon any ground lying between lines drawn from the building lines of such street to the limits of the city in the direction which the said street would take if extended as laid down on the map or plan of the City of Wilmington.

When return
set aside.

Vacancies.

Commis-
sioner's com-
pensation.

Payment or
tender of
damages.

Amendment
Chapter 532,
Volume 14.

Damages
barred in
certain cases

SECTION 117. In any proceeding taken for extending, widening, laying out, or opening any street, square, lane, or alley under the provisions of this act, the commission to be issued by the Associate Judge of the Superior Court of this State resident in New Castle county in furtherance of that purpose, in addition to the requirements of Section 116 preceding, shall contain a further command that (after assessing the damages that may result from the extending, widening, or laying out or opening of such street, square, lane, or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all

Expenses of
widening
and opening
streets, etc.,
apportioned
among those
benefitted.

OF THE CITY OF WILMINGTON.

the circumstances of benefit and convenience as well as of detriment to result to such owner or owners) they estimate the probable entire cost of such contemplated improvement, including damages to owners of property necessary to be taken or occupied therefor, and after giving timely notice of their time and place of meeting and opportunity to persons interested residing in the city to be heard; that they make an allotment, apportionment, assessment and division of such portion as they shall deem just and reasonable of such estimated cost upon and among the persons, properties, interests and estates which will, in their judgment, or that of a majority of them, be specially benefited by such improvement, according and in proportion to the quantity and extent of such benefit, according to their best judgment. In forming such judgment all those shall be deemed specially benefited by such proposed improvement who, in the judgment of the freeholders, commissioners, may be benefited thereby beyond the value of any detriment which can occur to them thereby, or who may be benefited thereby without any detriment therefrom, and in either case beyond the benefit which inures to the citizens of said city or property owners therein generally by reason of such improvements. The commissioners having made such allotment, apportionment, assessment and division of such portion of such estimated cost, shall make return thereof to the said judge, who shall file the same, with the assessment of damages, in the office of the clerk of the council, who shall submit the same to the council for its approval or disapproval; and upon approval by the council of any assessment for benefit, the clerk of said council shall immediately enter such approved assessment in the record or lien book kept for that purpose. And the same being so recorded shall at once constitute and be evidence of a debt for that amount and in that behalf from the person assessed to the Mayor and Council of Wilmington, and shall further, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings, interest and estate in respect of which such assessment for benefit was made, and as such lien shall have priority over any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and for the collection thereof, the said Mayor and Council of Wilmington may proceed as in other cases for the collection of debts, or in the manner provided for the collection of claims or liens for paving, and the provisions of the law in that behalf, both in regard to the process, notice, advertise-

Ascertain-
ment of
benefits.

Return and
filing of the
assessment.

Entry in lien
book.

Assessment
a lien on
lands, etc.

Priority of
lien.

Collection of
liens.

OF THE CITY OF WILMINGTON.

ment, sale, conveyance, title, costs and disposal of proceeds of sale, shall apply to the proceedings herein provided for, except that any residue to which the owner of any property sold shall be entitled may, instead of being paid into the Farmers' Bank of Delaware at Wilmington, be placed in the city treasury, and be held by the city for account of the person who shall be justly entitled thereto and paid to such person on demand; and in case the amount so as aforesaid assessed, collected and retained by the city for the purpose of effecting such improvement as aforesaid shall not be required and expended therefor within twelve calendar months after the payment thereof into the city treasury, the whole amount may be demanded and sued for or otherwise recovered from the city by the persons respectively entitled thereto. The return to one commission for assessment for benefit shall not be conclusive, but in regard to reviews, appointment of other commissioners, returns and confirmations, the city and other persons interested shall have the same rights, and the judge the same power and authority, and the effect of confirmation, and the costs, shall be the same as in the case of proceedings for assessment of damages to the owner or owners of property or ground necessary to be taken or occupied therefor for extending, widening, laying out, or opening streets, squares, lanes or alleys under Section 116 of this act. For all the purposes of the foregoing proceedings, when a bill is required to be presented, notice given, or demand made, it may be presented, tendered, given or made to the actual owner of the property in regard to which such proceeding is taken or any one of them, where it is owned by more than one, or to any person occupying, having use or charge of the property, or in case it be unoccupied and the owner unknown or not residing in the said city, such bill may be presented, notice given, or demand made, by setting up or leaving on the premises, or by one advertisement, in a newspaper published in said city, a notice setting forth the substance of such claim, bill, demand or notification; and such proceeding shall have the same effect as if a personal service thereof had been duly made and returned. In case of a corporation-owner or occupant of land benefited or to be benefited by such contemplated improvement, such presentation, notice, or demand may be made to or upon the president, vice president, secretary, treasurer or any director thereof, either personally or by letter mailed to the proper address.

Residue of
of proceeds
of sale
placed in
city treasury

Recovery of
residue from
the city.

Confirmation.
Rights
and powers
of judge and
parties re-
specting
reviews.

Notice of
lien or claim.
How given
to owners of
land.

OF THE CITY OF WILMINGTON.

Council au-
thorized to
pave be-
tween curbs.

Costs. How
paid.

SECTION 118. The council are hereby authorized, in their discretion, to cause any street to be paved between the curb lines, agreeably to the true regulation of said street, under the direction of the street committee, and the cost and expense of such paving and keeping the same in good order and repair shall be paid by the city and provided for by general taxation. The provisions of this section shall not diminish, or in any way alter the liability of any person to the said "The Mayor and Council of Wilmington," or the lien upon any land or buildings for the expense of paving the beds of streets done prior to its passage.

FOOTWAYS, GUTTERS, ETC.

Proceedings
for paving
and curbing
footways
and gutters.

Costs. How
borne.

Entry of
assessment.

Lien on
lands, etc.

Priority.

Duty of city
auditor in
respect to
assessment.

SECTION 119. Upon the application of fifteen freeholders residing or holding property in any street, lane or alley in said city, or if there be less than fifteen freeholders residing or holding property as aforesaid, then upon the application of a majority of such freeholders, the council are hereby authorized, in their discretion, to issue their precept, signed by the president of said council and directed to the street commissioner, commanding him to cause the footways and gutters of such street, lane or alley to be paved with bricks or stone, as the case may require, and to fix curbstones therein, agreeably to the proper ground plan and regulation of said city. The cost and expense of the paving and the curbing of the footways shall, upon the completion of such paving and curbing, be forthwith assessed by the city auditor upon all the owners of property bordering or fronting on the streets where it is so paved and curbed according to the number of feet contained in the street line of the property of such owners respectively; and he shall lay such assessment before the council at its first stated meeting after the completion of the work. If such assessment shall be approved by the council, the clerk of the council shall immediately enter the said approved assessment in a record book to be kept for that purpose, and the same being so recorded shall, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings of each of said owners fronting on such street as aforesaid to the extent of the amount of his approved assessment, and as such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and the city auditor shall forthwith present to each of said owners or other persons having charge of said property a bill for the proportion of such expense so

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assessed to such owner, and if the amount of said bill be not paid within sixty days after such presentation thereof it shall be the duty of the mayor of said city to issue his warrant directed to the said city auditor, commanding him to levy the same, with all costs thereon, upon the grounds or buildings of such owner fronting on such street as aforesaid, which said grounds or buildings, or any part thereof, shall be sold by said city auditor, at public auction, upon ten days' notice in two newspapers published in said city, and a deed from said city auditor shall convey to the purchaser of said grounds or buildings as full and complete a title to said premises, in fee simple or otherwise, as if the same were executed by said owner thereof; and it shall be the duty of said city auditor, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to pay to the city treasurer the amount of said approved assessment so assessed to such owner as aforesaid, for which he shall take and the city treasurer shall give duplicate receipts, one of which shall be retained by said city auditor and the other shall be by him forthwith transmitted to the chairman of the finance committee. The residue of said purchase money shall be immediately deposited by said city auditor in the Farmers' Bank of Delaware at Wilmington to the credit of the owner of the property so sold, for which said city auditor shall take from the cashier of said bank a certificate of deposit, and file the same in the office of the clerk of the council; and the said city auditor shall make return under his hand of his proceedings under such warrant as aforesaid into the office of said clerk, to be there filed by said clerk, who shall also enter said return upon the record of said assessment so kept by him as aforesaid.

Duty of
mayor to is-
sue warrant.
Levy.

Sale.

Notice.

Title.

Payment of
costs and
assessments.

Duplicate
receipts.

Residue of
purchase
money.
Where de-
posited.

Bank cer-
tificate.

Return of
auditor.

SECTION 120. The owner of any ground may pave his, her or their own front or fronts, provided it be completed within twenty days from the day of fitting the curb stone and notice thereof given to such owner, if such owner reside in said city, by writing, under the hand of said commissioner, served personally or by being left at his or her dwelling house; but the curbstones shall in all cases be furnished and fixed by the said commissioner.

Owners may
pave their
own fronts.

SECTION 121. The council shall have full power and authority to compel the paving of footways between the curb-stone and the building line in front of lots whereon is erected

Amendment
Chapter 530,
Volume 14.

OF THE CITY OF WILMINGTON.

Footways
between
curbstone
and building
line.

Proviso.
Privileges of
owners.

Certificate
of paving by
street com-
missioner.

Duplicate
certificate.

Liability for
errors.

City regula-
tor required
to lay out
gutters.

Act to vacate
Water street
etc. the
width of
footways,
etc., in force

any dwelling-house; office, place of business, railing, fence, stone or brick wall, or permanent structure of any kind, also in front of such vacant lots as in their discretion should be paved to the full breadth as aforesaid, and to regulate and prescribe the mode of paving footways and the material to be used therein. The space between the curb and building lines on footways where, in the discretion of the council, the owner may not be obliged to pave to a greater breadth than five feet from the curbstone, shall be covered with gravel to the depth of at least six inches and leveled in conformity with the part that is paved. *Provided, however,* that any persons owning land on any street who may desire to fix curbstones in front of their property may have the privilege of purchasing and fixing the same under the supervision of the street commissioner upon application to the city council, and the city council may grant or refuse any such application in its discretion.

SECTION 122. Upon the completion of any paving or curbing as aforesaid, the street commissioner shall give to the owner of the property so curbed and paved a certificate that it has been done according to the proper ground plan and regulation of the city, and shall deliver a duplicate of such certificate to the clerk of the council, who shall record the same in a book to be kept for that purpose, and carefully file and preserve the certificate; and no owner of property to whom such certificate is thus given shall be liable for any change or error of regulation, or subsequent curbing or paving of the same property by the council, but the expense of the same shall be defrayed by the city.

SECTION 123. The city surveyors and regulators are authorized and required to lay out proper gutters, channels and conduits for carrying off the waters in said city.

SECTION 124. So much of an ordinance of the freemen, resident inhabitants of the borough of Wilmington, in general town meeting legally called and met, entitled "An ordinance to establish the regulation of the ascents and descents of the streets, lanes and alleys within the borough of Wilmington, and for other purposes," as the same is particularly set forth in the third section of an act of the General Assembly entitled "An act to vacate and discontinue the street called Water street in the borough of Wilmington, from Market street westwardly to the line of said borough, and

OF THE CITY OF WILMINGTON.

for other purposes," passed at Dover, January 24th, 1801, as provides for the width of footways and pavements, the depth of gutters, the height of curbs, and the extent of steps, porches, cellar-doors, or other inlets to buildings, in the streets, lanes or alleys of the said city, shall be and the same is hereby declared to be of force for the said several purposes; *provided* that the mayor and the council may widen the footways on any or all the streets in said city, on the application in writing of the owners of the major part of the ground fronting on said street or streets, the admeasurement of said ground to be taken in feet parallel with the curb-stone; *provided further, nevertheless*, that council shall have power in its own discretion to cause the pavements or footways on the northerly side of Water street, or any other part thereof, to be widened to any breadth not exceeding, in the whole, twelve feet.

Proviso.
Widening of
footways.

Further
proviso.

WHARVES.

SECTION 125. The council are hereby declared to have and shall have authority in their discretion to let or demise, for any terms of years not exceeding ten and subject to such rents and reservations as they may deem expedient, the landings at the ends of the streets terminating upon the Brandywine creek or the Christiana creek; *provided* that all demises heretofore made by the council of any such landing as aforesaid, or permission given by the council for making such improvements as aforesaid, are hereby confirmed and declared to be and the same shall be valid and effectual where they have not expired by their own limitation or in due course.

Leasing of
wharves or
street land-
ings on the
Brandywine
or Christiana

Proviso.

CITY MAP.

SECTION 126. The map or plan of the city made under the requirements of Section 28 of Chapter 376, Vol. 11, Delaware Laws, showing all the streets, squares, lanes and public alleys of the said city, with their several dimensions, ascents and descents, and which, upon its completion and approval by the council, was required to be signed by the mayor and president of the council, sealed with the corporate seal, and deposited and kept in the clerk's office, and a duplicate of which, in like manner signed and sealed, was required to be deposited and kept in the office for recording deeds in and for New Castle county, and which map and the duplicate thereof were by the said act made public records, and the same, or an office copy thereof, made competent evidence, shall be

Chapter 376,
Volume 11.
Map or plan
of the city,
regulating
streets, etc.,
adopted.

OF THE CITY OF WILMINGTON.

When council may fix ascents and descents of streets, etc.

deemed and taken to be the true map, plan, or ground plot of said city; and all the streets, squares, lanes and alleys of the city shall be and remain as they shall be laid down upon said map, with such extensions and alterations as have been or may hereafter be made by authority of the laws of this State. The ascents and descents of all streets, lanes and alleys within the city shall be regulated and fixed conformably to said map; but the council may by ordinance (to be passed by a vote of two-thirds of all the members thereof for the time being) regulate and fix the ascents and descents of all streets, lanes and alleys within the said city the ascents and descents of which are not marked and laid down on the aforesaid map or plan.

STEAM-POWER OR HEATING PIPES UNDER STREETS.

Steam-power or heating pipes, etc.

City may require security bond. Warrant of attorney.

SECTION 127. In case of the introduction into, through, under or along the streets of the city, with the consent of the council, of steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, the council shall require, before such work shall commence, payment into the treasury of the city as a guarantee, or some other satisfactory security, that the streets shall not be unnecessarily torn up or obstructed, or kept or left out of repair, or travel unwarrantably impeded, and that the city shall be indemnified against loss, and it shall further require a bond, with personal security thereon, to "The Mayor and Council of Wilmington," with warrant of attorney for the entering judgment thereon, in such sum as the council may deem proper, conditioned to indemnify and save harmless any and all persons, inhabitants of the said city, their persons, goods, chattels, lands and tenements from loss, damage or expense, from or by reason of the introduction into the streets of the said city of such steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, which bond shall be held by the said city for the use of any and all persons who may be aggrieved or suffer loss, damage or expense by reason of the premises, to be accorded to them upon petition of the person aggrieved, under such restrictions as the council may impose; and the council may, when in its judgment the public interests may so require, cause, at the expense of the parties laying or owning the same, such pipes or wires to be removed in whole or in part, or impose such restrictions upon the use thereof as it may think fit in reference to the public interests.

OF THE CITY OF WILMINGTON.

STREET RAILWAYS.

SECTION 128. The Council of Wilmington shall, by a two-thirds vote of all the members thereof, have power and authority, by ordinance, to authorize the construction of railroad tracks, for the use of cars propelled either by steam or horse-power, for the purpose of affording business or manufacturing establishments within said city greater facilities for the shipment and receipt of freight on any of the streets of said city; and in like manner may authorize such alteration in the grade of any street as may be necessary for the proper construction and maintenance of such railway, and may further provide, in like manner, that any owner of land fronting upon such railway may construct a convenient siding or turnout into and upon his premises; *provided, however*, that all expense of construction, grading, paving, keeping in repair, and removing such railway tracks or sidings, shall be paid by the person or persons, firms or corporations for whose use or benefit the same shall be so constructed or thereafter used; *and provided further*, that nothing herein contained shall authorize the connection of any such railway track with the track or tracks of any railway company without an agreement in writing with such railway company, and when any connection shall be so made with the tracks of any such company, no other or greater right shall be acquired by the parties interested to have such connection maintained than shall be expressly stipulated in said agreement; *and provided further*, that nothing herein contained shall be taken to impair, take away or abridge the right of any person aggrieved by such action or license to his remedy at law or in equity for any such grievance or impairment of right sustained by him against the said persons, firms or corporations.

Street rail-
way tracks,
authorized.

Proviso.
Expense.
How borne.

Further
proviso.
Railway
connection.

Remedy at
law.

SECTION 129. The council may by such ordinances provide and establish such regulations and restrictions as it may deem proper for the grading, construction, paving, use and keeping in repair of such tracks and sidings; and may further, at any time when in its judgment the further continuance of such tracks are subversive or destructive of the rights of the citizens to the full and proper use of any streets as common and public highways for their convenience as means of passage and modes of egress and regress to and fro, forthwith, at the proper cost and charges of the persons, firms, or corporations locating the said railroad tracks or sidings, order and cause the entire or partial removal of such tracks and sidings.

Council may
regulate
grades, etc.

Removal of
tracks.

OF THE CITY OF WILMINGTON.

PUMPS.

Supervision
of pumps
and wells.

SECTION 130. The council shall inquire into the condition and direct the repairs of the several pumps and wells within the city; and any pump or well which remains out of repair for three months next after notice given by direction of the council to the owner or owners thereof shall become forfeited to the corporation, to be held as its property and maintained and repaired at the public charge, or abandoned, at its discretion.

PARTY WALLS AND FENCES.

Appoint-
ment of sur-
veyors and
regulators.

Regulation
of party
walls and
foundations.

Using party
wall and fix-
ing value
thereof.

Appeals to
city council.

SECTION 131. The city council shall, from time to time appoint three or more discreet and skillful persons to be city surveyors and regulators, who, upon application made to them, shall enter upon any lands in order to set out the foundations and regulate the walls to be built between party and party within the said city, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use or break into said wall, and the charge or value thereof shall be determined by the said regulators, or any two of them. Either party may appeal to the council at its next stated meeting, which shall finally adjust the matter and make such order for the payment of costs as it shall deem just.

Penalty for
disregarding
regulation
of walls, etc.

SECTION 132. If any person shall begin or lay the foundation of any party wall or other building, as aforesaid, except in conformity to the provisions of the foregoing section, every such person, as well employer as master-builder, shall, for such offense, forfeit and pay a fine of fifty dollars.

Regulation
of partition
fences.

SECTION 133. The city surveyors and regulators, or any two of them, shall regulate all partition fences within said city; such fences shall be made in the manner generally used and kept in good repair at the equal expense of the parties, to be recoverable in the municipal court as debts of like amount are recoverable before a justice of the peace; *provided* that the costs of making the same do not exceed twenty-five dollars for every hundred feet in length, and so in proportion, unless the owners or possessors, between whom such fence is erected, otherwise agree.

OF THE CITY OF WILMINGTON.

DRAINAGE.

SECTION 134. The council shall have the entire jurisdiction and control within the limits of said city of the drainage thereof, and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof, and the regulating and maintaining, cleansing, and keeping the same and the natural water courses, runs and rivulets within the said limits open, clear and unobstructed, and for that purpose may authorize the entry upon private land, and by general regulations prescribe the mode in which they shall be opened, maintained, cleansed, and kept open and unobstructed, and who shall bear the expense thereof, and may, in its discretion, assess the costs thereof upon the persons and property, real and personal, of those particularly benefited thereby, or of those owning or holding lands through or along which said sewers, drains or water-courses shall flow or pass, and prescribe the mode of collection thereof. *Provided* that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

City drainage.

Regulation.

Costs. How borne.

SECTION 135. The city council shall also have the right to alter and change the course or direction of any of the natural water courses, runs, or rivulets within the limits of said city, and for that purpose to enter upon, take and occupy lands, tenements and hereditaments. Before any property or ground shall be taken or occupied for such purpose the owner or owners of such property or ground shall be paid or tendered such damages as they shall be respectively entitled to receive, which damages shall be assessed, paid, or tendered in the same manner as in the case of the taking of ground or property for extending, widening, laying out, or opening of streets. The cost of such alteration or change shall be estimated, and any allotment, apportionment, assessment, or division of any portion thereof, as the freeholders may deem just and reasonable, shall be made upon and among the persons, properties, interests and estates specially benefited by such alteration or change, and collected and made a lien in the mode provided in the case of extending, widening, laying out or opening any street, as provided for in this act.

Council may enter upon and occupy lands.

Damages.

BOARD OF HEALTH.

SECTION 136. It shall be the duty of the mayor of said city, and he is hereby authorized and directed, annually, on the first Thursday in May, to appoint a Board of Health for

Board of health.

OF THE CITY OF WILMINGTON.

How composed. said city, which board shall consist of the port physician, two other physicians, one practical plumber and one general business man. The chief engineer of the surveying department of said city shall be *ex officio* a member of the board of health without salary as such. The said board shall appoint its own president and treasurer from among its members, and shall have power and authority to appoint two executive officers for the term of one year, who shall be vested with like powers as city constables. The secretary of the board shall keep the minutes of the meetings of the board, and shall perform all such duties as shall be assigned to him by said board. Three members shall constitute a quorum to do business. The said mayor shall have power to fill all vacancies in said board occurring by death or otherwise, and may remove, for sufficient cause, any member of said board which it is his duty to appoint.

Duty of secretary.

Quorum.

Vacancies.

General powers.

Power respecting nuisances.

SECTION 137. The said board shall be invested with all the powers and authority which the council might or could exercise relative to the object of their institution, and with all powers and authority conferred and duties enjoined upon members of boards of health by the laws of the State, and by the ordinances of said city, for the preservation of the public health within said city, or within one mile thereof. And the said board of health, upon complaint that a nuisance has been created, erected or continued and is continued within said city, or within one mile of the boundaries thereof, which may prove injurious to the health of the inhabitants thereof, shall hear and determine such complaint, and if necessary view and examine the matter or thing complained of; and if the said board shall adjudge the place or thing complained of to be a nuisance, whereby the health of the inhabitants of said city is or may be injured, the said board shall give directions to cleanse, remove, abate or remedy the same to the person or persons causing or producing such nuisance, or to the owner or owners, agents, tenants or occupier of the premises whereon the said nuisance exists; and if the person or persons, owner or owners, agents, tenants, or occupant to whom such direction is given shall not observe and fulfill the same within the time therein prescribed by said board, the said board shall have power to order the said directions to be carried into effect by some officer of the board or other person to whom the service may be committed, and the expenses thereof shall be paid by the person to whom the direction was originally given; but if the same shall not be paid by said

OF THE CITY OF WILMINGTON.

person on demand, the same shall be paid by the treasurer of the board, who shall have the right to recover the same with interest and costs from the person who ought to have paid the same as aforesaid, as debts of like amount are recoverable.

Any owner or owners, agent, tenant or occupant of the premises, who shall fail, neglect, omit or refuse to comply with the directions of said board as aforesaid shall, in addition to the penalties above mentioned, forfeit and pay a fine of not less than one dollar nor more than twenty dollars for every such offense, to be recovered in the municipal court of said city in the name of The Mayor and Council of Wilmington, and in default of the payment thereof shall be committed to jail until said fine and costs are paid or otherwise discharged by law. From the judgment of said court in such cases there shall be no appeal.

Refusal to
comply with
regulations
of board.

Penalties.

SECTION 138. Whenever the said Board of Health shall declare any street, lane, alley, vacant lot, or other place belonging to the City of Wilmington to be a nuisance, injurious to the health of the inhabitants thereof, the said board shall have power to notify the executive officer of the board of health of said city to abate and remove said nuisance within such time as said board may, in such direction, designate. If said executive officer of the board of health shall neglect, omit or refuse to comply with such directions as aforesaid, the board of health shall have power and authority to have the same abated, removed or cleansed by such officer or person as said board may appoint, and the cost thereof, being approved by the board as aforesaid, shall be paid by the council of said city in the same manner as other bills are paid by said city, and the bills so paid as aforesaid shall by said council be charged to the appropriation for cleaning and repairing streets of said city.

Further
powers re-
specting
nuisances.

BOARD OF PUBLIC EDUCATION.

SECTION 139. The charter of the Board of Public Education in Wilmington, and the various supplements thereto now in force (except as hereinafter altered), shall continue and be in full force, and the same is hereby extended and continued for the term of twenty years from the passage of this act; and the said corporation, with all the rights, powers, privileges, franchises and immunities which are now vested in it by any law of this State, is hereby continued, extended and shall be held in full force and operation for the term of twenty years from and after the passing of this act.

Charter of
the board of
public edu-
cation ex-
tended for
twenty years

OF THE CITY OF WILMINGTON.

Members.

Qualifications.

How chosen

Qualification of voters at school election.

Members of council ineligible.

Place of election appointed by the board.

Notice.

Date and hours of election.

Inspectors of election for members of board of education.

Oath of inspectors.

Who may administer the oath.

Certificates of election.

SECTION 140. The Board of Public Education in Wilmington shall hereafter consist of two members from each of the wards in the City of Wilmington. Said members must have been bona fide freeholders in said city during at least one month before the election qualified voters in the ward for which they are chosen, and they shall be chosen by ballot by the inhabitants of the ward who shall have been assessed for and paid the school tax for the City of Wilmington for the preceding year and who shall be otherwise qualified to vote at all city elections. A plurality of votes shall elect. No member of the council shall be a member of the board of public education. The board of public education shall appoint a place of holding the election in each ward, and give notice thereof in the different newspapers published in the City of Wilmington for ten days previous to the time of said election, and also give at least four days notice of it by handbills, under the name of the secretary of the board, posted in four or more of the most public places in the ward. The election of members of the board shall be held on the first Saturday of May in each and every year. The election shall be held in the afternoon, the polls opened at twelve o'clock, or within thirty minutes thereafter, and close at six o'clock. The inspector and assistant inspectors of the city election in their respective wards shall hold the election of members of the board of public education in the respective wards (in wards, however, containing two districts, the inspector and assistant inspectors residing in the district in which the polling places are situated shall hold the said election), and if they refuse, or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing or not present. The officers holding the election shall, before opening the election, each take an oath or affirmation, as follows:

I, ———, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates thereof and deliver the same according to law, so help me God (or, so I solemnly affirm).

The inspector is authorized to administer this oath or affirmation to the assistants, and either of them to him, or to each other. Within two days after any election the certificates of it shall be delivered, under the hands of the officers

OF THE CITY OF WILMINGTON.

holding the election, to wit: one to the secretary of the board and one to the member-elect, which certificates shall be made out and signed by the officers holding the election immediately after counting the votes. The board shall be the judge of the election of its members. The present members of the board shall continue to hold the offices to which they were by the provisions of law heretofore in force respectively elected until the regular and due expiration of the terms thereof, the same as if this act had not been passed. On the first Saturday in May, A. D. 1883, an election shall be held, at which shall be chosen one member for each ward for the term of two years, and persons to fill vacancies then existing for any unexpired term; and annually thereafter, on the first Saturday in May, elections shall be held for one member for each ward to hold office for two years, and as well to fill vacancies. Moving out of the ward vacates the office of the member. All vacancies shall be filled by the board till the next election, when members shall be chosen to fill vacancies.

When made out, and to whom delivered.

Members elected in 1883.

One member for each ward elected annually for two years. Removal from ward vacates seat. Vacancies. How filled.

SECTION 141. If any person not having a right to vote at any election held under this act shall vote at such election, or if any person shall vote in a ward in which he does not reside, or if any inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of any election as required by the next foregoing section, every such person, inspector and assistants shall forfeit and pay the sum of fifty dollars (\$50.00), to be adjudged on indictment and conviction in the Court of General Sessions in and for New Castle county, and to be paid to the board aforesaid for the benefit of the schools under their charge.

Taking illegal votes, and illegal voting.

Penalty.

SECTION 142. The board aforesaid shall continue to be a corporation by the name of "The Board of Public Education in Wilmington," and shall be capable in law to take, purchase, hold, sell, grant, demise or otherwise dispose of lands, tenements, hereditaments, goods, chattels and effects, and shall have control and authority over all the public schools in the City of Wilmington, and shall increase the number and improve the condition thereof, and do all acts necessary for establishing and maintaining said schools as they shall deem judicious and expedient until there are sufficient public schools to accommodate all the children and minors whose parents, guardians or masters desire for them the benefit.

Corporate name.

Powers.

Control of public schools.

Provided the schools for white children and minors shall be

Proviso.

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Separate
schools.
No banking
powers.
Quorum.
By-laws.
Teachers
and salaries.
Dismissal of
teachers.
Branches
taught.
Books used.

Dismissal of
children.

Visiting
committees.
Officers of
the board.
Qualifica-
tions.

Secretary.
Security.

Compensa-
tion of sec-
retary.
Qualifica-
tion and
bond of
treasurer.

Annual esti-
mates of
revenue, etc.

Additional
estimates.
Limitation.

Annual ap-
propriations

separate and distinct from the schools provided for colored children and minors. They shall have no banking powers. Twelve members shall form a quorum. They shall have power to make by-laws, to appoint all teachers and fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, neglect of duty, or immorality; shall direct what branches of learning shall be taught in each school and what books shall be used therein; they may prescribe and enforce such rules and conditions as they may deem proper for the admission of pupils to the school, and may suspend or expel from the schools all pupils found guilty of refractory or incorrigible conduct. They shall appoint visiting committees, make regulations, and have stated monthly meetings. The officers of the board shall be a president, who must be a member, a secretary, treasurer, and such other officers and agents as may be found necessary. The board may appoint a person not a member of the same secretary thereof, prescribe his duties, require from him bonds with surety for their faithful performance if deemed expedient, and allow him compensation for his services by stated salary or otherwise, as may be considered proper. A treasurer may be appointed, not being a member. He shall, before entering on the duties of his office, give bonds to the board in such amount as shall be determined by the board, with surety or sureties to be approved by the board, conditioned for the faithful performance of the duties of his office as treasurer. The said offices of secretary and treasurer may be united and held by one person. The said board shall, during the month of April in each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the council on or before the first stated meeting of council in May following. At the time of presenting to council said estimates of revenue and expenses, the said board shall, if necessary, also in addition thereto present to council an estimate, not to exceed twenty thousand dollars, for the erection or extension of school houses and for furniture and heating apparatus for the same. The said board, early in June in each year, after the council shall have made the appropriation for the use of the public schools for the following fiscal year as hereinafter mentioned, shall make apportionment and appropriations for their expenditures for that year, based as nearly as may be upon the estimates made by them in April previous, and such apportionment and appropriations shall be specified and arranged

OF THE CITY OF WILMINGTON.

under the heads or items designated in the said estimates. The expenditures of the year, under any head or item of appropriation, shall not exceed that item of appropriation unless the same be voted for by two-thirds at least of all the members of said board, a record of which vote shall be made upon the minutes. Under no circumstances shall the appropriation for the erection or extension of school houses, and for furniture and heating apparatus for the same, be used for any other purpose. The said board shall have no power or authority to borrow money or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by council and the receipts of the year for the time then current; no money shall be paid from the treasury of the board unless the same shall have been appropriated as aforesaid. If the treasurer of the board shall pay out of the treasury any money, or draw any order for the payment of any money contrary to this provision, he shall forfeit and pay a fine of five hundred dollars, and he and his sureties shall be liable to the board upon his official obligation for any money so paid out by him.

Expenditures not to exceed appropriation. Exception.

Board not authorized to borrow money nor create debts.

Exception.

Liability of treasurer.

SECTION 143. The said board shall, during the month of July in each year, cause to be published, in the daily newspapers of the City of Wilmington, a full report of their accounts and proceedings during the past year, setting forth aggregates under appropriate heads. They shall also depute one of their members to attend with and lay their accounts and vouchers before the council at the next regular meeting following such publication and also to settle with the State Auditor.

Accounts to be published and laid before city council.

Settlement with State Auditor.

SECTION 144. The council shall, every year, when determining the amount necessary to be raised on the persons and estates in the city for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions; *provided* that the amount to be raised for current school expenses as aforesaid in any one year shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid. At the time of making the annual appropriations for public use the council shall also make an appropriation for current school expenses equal in amount to that annually computed and laid before said council by the "Board

Amount of school taxes determined

Proviso.

Payment into city treasury.

Appropriation for current school expenses.

OF THE CITY OF WILMINGTON.

Proviso. of Public Education in Wilmington;" *provided* that the sums so computed and appropriated shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same; *and provided further*, that any demand made by the board upon the council for ordinary and current expenses, exclusive of the amount required for the erection or extension of school houses and for furniture and heating apparatus for the same, shall not exceed eighty thousand dollars (\$80,000) for the fiscal year A. D. 1883-4; and the increase shall not, for any succeeding fiscal year, be greater than five per centum additional upon the aggregate amount for the fiscal year preceding; *and provided further*, that the amount demanded for the erection or extension of school houses and for furniture and heating apparatus for the same shall not exceed twenty thousand (\$20,000) for any one year. Council may also, in making appropriations for the use of the Board of Public Education for the fiscal year A. D. 1883-4, include therein the further sum of five thousand dollars (\$5,000) to erect fire-escapes upon the school buildings, and to complete the payment of expenses incurred in the extension of school building No. 4 in the City of Wilmington. The amount of the appropriations for current school expenses so made by the council shall be paid in full, in twelve equal installments, on the second Monday in each and every month during the year, by the city treasurer, upon orders drawn by the aforesaid board under the hand of the president, attested by the secretary. The amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same shall be paid by the city treasurer to the treasurer of the board on or before the first day of August of the fiscal year for which the same was so designated and raised.

Amount for current school expenses not to exceed \$80,000 for fiscal year. Future increase of appropriation limited.

Amount for erection of school houses, etc., not to exceed \$20,000.

Amount for fire escapes.

Appropriations for school expenses paid in monthly installments. Orders. How drawn.

When amounts for school houses, etc., paid.

School dividends.

Mode of payment.

SECTION 145. The said board shall have right to draw dividends from time to time made and entered to the credit of the School Districts Nos. 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20½ in New Castle county in the account of the Trustee of the School Fund with said districts respectively; and it shall be the duty of the said trustee to pay said dividends upon an order signed by the president of said board and attested by the secretary, accompanied by a certificate signed and attested in like manner that the said board has received for the benefit of public schools under their charge a sum equal to the aggregate of the sums required to be paid in every of the said districts in order to the

OF THE CITY OF WILMINGTON.

drawing of the said dividends, the said board being substituted for the school committee of the united school districts composed of the school districts aforesaid.

SECTION 146. No member of the board of education shall, directly or indirectly, be concerned or interested pecuniarily in any bid, order, or contract, made to, with, by or for said board. They shall have no pay or emoluments nor be allowed compensation for any service. No compensation.

SECTION 147. Each member, before entering upon office, shall take the following oath or affirmation: I, ———, do solemnly swear (or affirm) that I have been a bona fide freeholder in the City of Wilmington for the period of one month prior to my election and a qualified voter in the ward for which I am chosen a member of the Board of Public Education in Wilmington; that I will diligently and faithfully perform the duties of a member of said board according to the best of my knowledge and judgment, and that I will not be controlled in any vote or action as a member of said board from political or partisan considerations. Such oath or affirmation may be administered by the president, secretary, or any member of the board as well as by any officer by law authorized to administer oaths or affirmations. Oath. By whom administered

FINES, FORFEITURES AND PENALTIES.

SECTION 148. All fines and forfeitures incurred under this act, or under any ordinance of said city, shall, except in cases otherwise provided for by law, be enforced, collected and paid into the city treasury for the use of the corporation. Fines. Their enforcement and disposal

SECTION 149. The printed copies of the ordinances and resolutions of the Council of Wilmington, whether of a public or private nature, published by authority of council, shall be admitted as evidence thereof in all courts and on all occasions; and in pleading it shall not be necessary to recite or draw them out at large. Printed copies of ordinances, etc., evidence.

SECTION 150. Nothing in this act shall be construed to affect or in any manner impair the existing provisions of law relating to "the sinking fund" for the payment of the city debt of Wilmington, or the validity of any existing debt or security of the said city or of the Board of Public Education in Wilmington, or the existing provisions of law for the payment thereof. Validity of city obligations.

OF THE CITY OF WILMINGTON.

SECTION 151. All acts or parts of acts inconsistent with or manifestly superseded and supplied by the provisions of this act are hereby repealed, except as to the provisions contained in schedule A, hereunto subjoined, which are continued in force until they shall have expired by virtue of the limitations therein contained.

SECTION 152. This act shall be deemed and taken to be a public act, and shall be construed most favorably for the corporation.

Schedule "A," referred to in the preceding act.

LIMITED EXEMPTIONS FROM TAXATION.

Preamble.

WHEREAS all that portion of the Second, Eighth and Ninth Wards in the City of Wilmington, hereinafter described, is very sparsely inhabited and has very few buildings thereon erected, and derives very little, if any, benefit from being included in the limits of the city; the said portion of the Second Ward being described as follows: Beginning in the center line of the Wilmington and Western railroad on the southeasterly side of the Christiana river; thence with the center line of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Wilmington and Western railroad; thence with the center line of said railroad to the easterly side of Heald street; thence with said side of Heald street southwesterly to the northeasterly side of D street; thence by the said side of D street southeasterly to the northwesterly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware, and thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; thence down the Christiana river and binding thereon to the place of beginning. The said portion of the Eighth Ward being described as follows: Beginning

OF THE CITY OF WILMINGTON.

at a point in the centre line of Eighth street extended, at the distance of seven hundred and fifty-nine feet eight inches easterly from the center of Buttonwood street; thence north twenty-one degrees and fifteen minutes east, one hundred and fifty-two feet eight inches to the southerly bank of the Brandywine creek; thence down said creek and binding thereon to its mouth at the Christiana river; thence up the said Christiana river and binding thereon to a point which bears from the first-mentioned point or place of beginning south twenty-one degrees and fifteen minutes west; thence with the said bearing reversed, (north twenty-one degrees and fifteen minutes east), to the place of beginning. The said portion of the Ninth Ward being described as follows: Beginning at a point on the northeasterly side of Brandywine creek and in the southeasterly side of Washington street; thence northwesterly by the said side of Washington street to the southwesterly side of Twenty-sixth street; thence with the said side of Twenty-sixth street southeasterly to the northwesterly side of Jessup street; thence southwesterly by the said side of Jessup street to the southwesterly side of Vandever avenue; thence by the said side of Vandever avenue southeasterly to the division line between the lands of Jessup & Moore and lands late of William Thatcher, deceased; thence with said division line southwesterly to the Brandywine creek; thence down said creek and binding thereon to the northeasterly side of Fourteenth street; thence by said side of Fourteenth street southeasterly to the northwesterly side of Thatcher street; thence northeasterly by the said side of Thatcher street to the southwesterly side of Vandever avenue; thence southeasterly by the said side of said avenue to the Philadelphia, Wilmington and Baltimore railroad; thence in a southerly direction by the several courses of the old marsh lane to the point of its intersection with Thirteenth street; thence westerly by the middle of said Thirteenth street to its intersection with Bowers street; thence southerly by the center line of said Bowers street extended to the Brandywine creek; thence down the said creek by the several courses thereof to the Christiana river; thence down the Christiana river and binding thereon to its mouth at the River Delaware; thence up the Delaware river in a northerly direction to the city line; thence by the said city line in a westerly and southwesterly direction to the northeasterly side of Brandywine creek, and thence down the said Brandywine creek by the several courses thereof to the place of beginning; therefore,

Preamble.

OF THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Partial ex-
emptions
from taxa-
tion.

Sub. § 1. That the Mayor and Council of Wilmington shall, by the city council, after the assessment has been made in each year for city and school purposes of the persons and estates in the said part of the Second, Sixth* and Ninth Wards, levy and collect from the said persons and estates, taxes for both city and school purposes, in full of all taxes, at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of said city.

Sub. § 2. *Be it further enacted,* That this act shall take effect from the date of its passage and continue in force until the thirty-first day of December, A. D. eighteen hundred and eighty-six, and no longer.

Certain land
exempt for
ten years in
second,
eighth, and
tenth wards.

Sub. § 3. The real estate of any person or persons, or body corporate, within the limits of the portions of the Second, Eighth and Ninth Wards of the City of Wilmington, hereinafter described, upon which any manufactory or other industrial improvements for the employment of labor is now or may hereafter be erected after the passage of this act, shall be exempt for a period of ten years, after the same shall hereafter have been erected and be first assessable, from assessment and taxation for state, county or municipal purposes. The said exemption to apply only to the land occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose it shall be determined by the city council. The portions of said wards to be embraced within the provisions of this act are described as follows, to wit: In the Second Ward beginning in the center line of the Delaware Western railroad on the southeasterly side of the Christiana river; thence with the center of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Delaware Western railroad; thence with the center line of said railroad to the easterly side of Heald

Second ward

*So enrolled and so in original bill.

OF THE CITY OF WILMINGTON.

street; thence with said side of Heald street southwesterly to the northeasterly side of D street; thence by the said side of D street southeasterly to the northwesterly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware; thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; and thence down the Christiana river and binding thereon to the place of beginning. In the Eighth Ward, Eighth ward beginning at a point in the center line of Eighth street extended, at the distance of seven hundred and fifty-nine feet and eight inches easterly from the center of Buttonwood street; thence north twenty-one degrees and fifteen minutes east one hundred and fifty-two feet and eight inches to the southerly bank of the Brandywine creek; thence down said creek and binding thereon to its mouth at the Christiana river; thence up the said Christiana river and binding thereon to a point which bears from the first-mentioned point or place of beginning south twenty-one degrees and fifteen minutes west; thence with the said bearing reversed (north twenty-one degrees and fifteen minutes east) to the place of beginning. And in Ninth Ward Ninth ward. beginning at a point on the northeasterly side of Brandywine creek and in the southeasterly side of Washington street; thence northeasterly by the said side of Washington street to the southwesterly side of Twenty-sixth street; thence with the said side of Twenty-sixth street southeasterly to the northwesterly side of Jessup street; thence southwesterly by the said side of Jessup street to the southwesterly side of Vandever avenue; thence by the said side of Vandever avenue southeasterly to the division line between the lands now or formerly of Jessup & Moore and lands late of William Thatcher, deceased; thence with said division line southwesterly to the Brandywine creek; thence down said creek and binding thereon to the northeasterly side of Fourteenth street; thence by said side of Fourteenth street southeasterly to the northwesterly side of Thatcher street; thence northeasterly by the said side of Thatcher street to the southwesterly side of Vandever avenue; thence southeasterly by the said side of said avenue to the Philadelphia, Wilmington and Baltimore railroad; thence in a southerly

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direction by the several courses of the old marsh lane to the point of its intersection with Thirteenth street; thence westerly by the middle of said Thirteenth street to its intersection with Bowers street; thence southerly by the center line of said Bowers street extended to the Brandywine creek; thence down the said creek by the said courses thereof to the Christiana river; thence down the Christiana river and binding thereon to its mouth at the river Delaware; thence up the Delaware river in a northerly direction to the city line; thence by the said city line in a westerly and south-westerly direction to the northeasterly side of the Brandywine creek, and thence down the said Brandywine creek by the several courses thereof to the place of beginning. Also beginning at the intersection of the middle of Tenth street with the Brandywine river on the westerly side of the Philadelphia, Wilmington and Baltimore railroad; thence easterly and along said Tenth street to said Philadelphia, Wilmington and Baltimore railroad; thence northeasterly and along said railroad one hundred feet to a corner; thence by a straight line easterly to the center of Tenth street at its intersection with the Brandywine creek; and thence by said creek by its several courses to the place of beginning.

That the real estate in the territory taken into the corporate limits of the City of Wilmington by virtue of the extension of the boundaries thereof by and under the provisions of an act entitled "An act to further amend the Charter of the City of Wilmington," passed at Dover, April 7, A. D. 1881, for the space of three years from and after the passage of said act, shall be subject to taxation for municipal and school purposes for the City of Wilmington at the rate of only one-third the regular tax rate levied and laid upon real estate in other portions of said city; and for the following three years thereafter at the rate of only one-half the regular tax rate levied and laid upon real estate in other portions of said city.

Sub. § 4. That the present officers of the City of Wilmington shall continue in office until others shall have been duly elected or appointed and qualified under and in accordance with the provisions of this act.

Passed at Dover, April 13, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 208.

OF THE CITY OF WILMINGTON.

AN ACT to amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. For the purpose of holding elections for city, state and county officers, in Wilmington city and hundred, the city shall be divided into twenty-six election districts, as follows, to wit: City divided into twenty-six election districts.

All that portion of the First Ward lying and being south of Third street shall form the First Election District; First district

All that part of the First Ward lying and being north of Third street shall form the Second Election District; Second.

All that part of the Second Ward lying and being south of the Christiana creek or river shall form the Third Election District;

All that part of the Second Ward lying and being north of the Christiana creek or river shall form the Fourth Election District; Fourth.

All that portion of the Third Ward lying and being south of Fourth street and east of Madison street shall form the Fifth Election District; Fifth.

All that portion of the Third Ward lying and being south of Fourth street and west of Madison street shall form the Sixth Election District; Sixth.

All that portion of the Third Ward lying and being north of Fourth street shall form the Seventh Election District; Seventh.

All that portion of the Fourth Ward lying and being west of Lombard street shall form the Eighth Election District; Eighth.

All that portion of the Fourth Ward lying and being east of Lombard street shall form the Ninth Election District; Ninth.

All that portion of the Fifth Ward lying and being east of Washington street shall form the Tenth Election District; Tenth.

All that portion of the Fifth Ward lying and being west of Washington street and east of Adams street shall form the Eleventh Election District; Eleventh.

All that portion of the Fifth Ward lying and being west of Adams street shall form the Twelfth Election District; Twelfth.

All that portion of the Sixth Ward lying and being south of Eighth street shall form the Thirteenth Election District; Thirteenth.

OF THE CITY OF WILMINGTON.

- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth. All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth. All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first. All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second. All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third. All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth. All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth. All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth. The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.

OF THE CITY OF WILMINGTON.

SECTION 2. The polling places in the several election districts above designated shall be as follows: Voting places.

In the First Election District, at the house situated on the northeast corner of Second and Tatnall streets; First district

In the Second Election District, at the house situated on the northeast corner of Second and Orange streets; Second.

In the Third Election District, at the house situated on the southeast corner of Heald and Apple streets; Third.

In the Fourth Election District, at the house known as the "Felton House," on the southeast corner of Second and Walnut streets; Fourth.

In the Fifth Election District, at the house situated on the northeast corner of Christiana and Madison streets; Fifth.

In the Sixth Election District, at Witsil's store, on the southwest corner of Front and Madison streets; Sixth.

In the Seventh Election District, at the house situated on the southeast corner of Fifth and Madison streets; Seventh.

In the Eighth Election District, at the house on the west corner of Fourth and French streets; Eighth.

In the Ninth Election District, at the house situated on the southwest corner of Fifth and Spruce streets; Ninth.

In the Tenth Election District, at the LaFayette Hotel, situated on the southwest corner of Ninth and Shipley streets; Tenth.

In the Eleventh Election District, at the house situated on the northeast corner of Sixth and Madison streets; Eleventh.

In the Twelfth Election District, at some convenient place in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them; Twelfth.

In the Thirteenth Election District, at the Askew building, situated on the northeast corner of Seventh and Market streets; Thirteenth.

In the Fourteenth Election District, in the building now owned by McLear and Kendall, situated on east side of King street, below Ninth street; Fourteenth.

In the Fifteenth Election District, at the house situated on the southwest corner of Fourteenth and King streets; Fifteenth.

In the Sixteenth Election District, at the house situated on the southwest corner of Tenth and Orange streets; Sixteenth.

In the Seventeenth Election District, at the school house known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets; Seventeenth.

In the Eighteenth Election District, at the house known as the "Logan House;" Eighteenth.

In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets; Nineteenth.

OF THE CITY OF WILMINGTON.

- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth. In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place

Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held

What elections held.

the general election, all special elections for members of the General Assembly and representative or representatives in Congress, elections for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

When to go into operation.

SECTION 3. The city elections, to be held in June, A. D. 1883, shall be held in the election districts as heretofore constituted, and the division of the said city in the new election districts herein created shall go into operation for the first time at the city election to be held in the month of June, A. D. 1884, and thereafter all elections for city, state and county officers shall be held in the election districts and at the places in said districts as constituted by the provisions of this act. At the city election held in June, A. D. 1884, and annually thereafter, an inspector and two assistant inspectors for each of the election districts as herein created shall be chosen in the same manner as now prescribed by law for the election of inspectors and assistant inspectors in the election districts of said city as heretofore constituted. The inspectors and

Election of inspectors.

How chosen in certain districts below classified

assistant inspectors for the city election to be held in June, 1884, shall be selected by the council; *provided* that in the First, Second, Eighth, Ninth, Tenth, Eighteenth and Twenty-sixth Election Districts, as created by this act, the inspec-

OF THE CITY OF WILMINGTON.

tor and one assistant inspector shall be chosen from the party which at the city election held in June, 1883, shall have had the majority in the First, Second, Fifth, Sixth, Seventh, Twelfth and Seventeenth Election Districts respectively, as created prior to the passage of this act. The inspector and one assistant inspector in the Third and Fourth Election Districts as herein constituted shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the districts as heretofore constituted the Third Election District. The inspector and one assistant inspector in the Fifth, Sixth and Seventh Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Fourth Election District as heretofore constituted. The inspector and one assistant inspector in the Eleventh and Twelfth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Eighth Election District as heretofore constituted. The inspector and assistant inspector in the Thirteenth and Fourteenth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Ninth Election District as heretofore constituted. The inspector and assistant inspector in the Fifteenth Election District, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Tenth Election District as heretofore constituted. The inspector and one assistant inspector in the Sixteenth and Seventeenth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Eleventh Election District as heretofore constituted. The inspector and one assistant inspector in the Nineteenth and Twentieth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Thirteenth Election District as heretofore constituted. The inspector and one assistant inspector in the Twenty-first Election District, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Fourteenth Election District as heretofore constituted. The inspector and one assistant inspector in the Twenty-second and Twenty-third Election Districts, as herein created, shall be chosen from the same

OF THE CITY OF WILMINGTON.

party which at the city election held in June, 1883, shall have had the majority in the Fifteenth Election District as heretofore constituted, and the inspector and one assistant inspector in the Twenty-fourth and Twenty-fifth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Sixteenth Election District as heretofore constituted. The other assistant inspector for the city elections to be held in June, 1884, in each of the election districts herein created, shall be chosen by the council from the political party which shall have had the next highest number of votes at the city election in June, 1883, in the said election district for which the inspector and one assistant inspector aforesaid shall be respectively chosen. The inspector and assistant inspector so selected from either political party shall be appointed by the said council upon the nomination respectively of the members of said council who were elected as the candidates of such party or the majority of them. The inspectors and assistant inspectors so appointed as aforesaid shall have the same power and authority and be subject to the same provisions of law as are applicable to inspectors and assistant inspectors generally under the laws of this State governing city elections held in said city.

Powers of
inspectors.

Duty of levy
court in mat-
ters of ap-
pointment.

Inspector
and judge.
How
selected

SECTION 4. The Levy Court of New Castle county shall, biennially, on or before the third Monday in October preceding the general election, appoint in every election district in Wilmington hundred created by this act an inspector and two judges to conduct the election in said hundred for state, county and hundred officers under the constitution and laws of this State or of the United States, and in all cases the inspector and one judge shall be selected from the political party which polled the majority of legal votes according to the official canvass for governor or presidential electors, as the case may be, in the election district for which they may [be] appointed at the next preceding general election, and the other judge in such election district shall in all cases be selected from the political party which polled the next highest number of votes in the said election district at the said general election. The election officers so selected from either political party shall be appointed by the said levy court upon the nomination respectively of the members of said levy court who were elected as the candidates of such party or the majority of them. In case at any time there shall be no members of said levy court of the party from which any

OF THE CITY OF WILMINGTON.

inspectors and judges are to be selected as herein provided, then such inspectors and judges shall be appointed by the said levy court upon the nomination of the county executive committee for the time being of such party, provided such nomination shall be certified to the said levy court under the hand of the chairman of the said executive committee on or before the Thursday next after the second Tuesday in the month of October in which such inspectors and judges are to be appointed. The inspectors and judges for the general election in 1884 shall be appointed as provided in this section except that the inspector and one judge shall be selected in each election district from the political party which polled the majority of legal votes in the said election district at the city election in said city to be held in the month of June 1884. In all other respects the provisions of this section shall apply to the appointment of the inspectors and judges for the said general election of 1884.

Inspector's
and judge's
for general
election.
How ap-
pointed.

The inspectors and judges appointed under the provisions of this section shall have the same power and authority and be subject to the same provisions of law as applied to inspectors and judges generally under the laws of this State.

Powers.

SECTION 5. That in printing the Laws of the State of Delaware passed at the present session of the General Assembly, Sections 1 and 2 of this act shall be printed as Sections 50 and 51 of the act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed April 13, A. D. 1883.

How printed

Passed at Dover, April 19, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 209.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to Wilmington," passed at Dover, April 13th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 47 of
Chapter 207,
current vol.
amended.

SECTION 1. That Section 47 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby amended as follows: 1. By inserting, after the words "President of Council—Two hundred dollars," the words "Clerk of City Council—Fifteen hundred dollars." 2. By striking out of said section in line 8 the words "One thousand," and inserting in lieu thereof the words "Twelve hundred." 3. By striking out of the said section in line 11 the words "Eighteen hundred," and inserting in lieu thereof the words "Two thousand." 4. By striking out of said section the word "Three," in the 14th line thereof, and inserting in lieu thereof the word "Five." 5. By striking out of said section in line 10 the words "One thousand," and inserting in lieu thereof the words "Twelve hundred."

Printing the
laws.

SECTION 2. That in printing the volume of Delaware Laws passed at the present (1883) session of the General Assembly the said "An act to revive and consolidate the statutes relating to the City of Wilmington" be printed as amended by this act.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 20, 1873.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 210.

OF JUVENILE DELINQUENTS.

AN ACT to provide for the Education and Training of Juvenile Delinquents.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall be lawful for the Court of Children under 16 years of age convicted of offenses, except homicide or arson, may be committed to House of Refuge in Philadelphia
General Sessions of the Peace and Jail Delivery, of any county in this State, to commit to the care, custody and guardianship of the House of Refuge in the City of Philadelphia and State of Pennsylvania, any child or children, under the age of sixteen years, who may be convicted in any of the said courts of any offense except homicide or arson, to be educated, trained and treated in the same manner as the children who have been or may be committed to the said House of Refuge from the State of Pennsylvania, and whenever in the judgment of the managers of the said House of Refuge any child who has been committed from this State shall have become sufficiently improved and reformed, the said managers shall have authority to place the said child as an apprentice, to learn some useful trade or employment, in any State in which the said managers are now or may be authorized to place the children committed to their care by the laws of the State of Pennsylvania, or to return said child to its parents or guardian. Object—education and reformation. When reformed, managers of the institution may apprentice the child or children to learn trade or return to parents or guardian.

SECTION 2. That it shall be lawful for the resident Associate Judge of the Superior Court in any county of this State, on complaint made by the parent or guardian of any child or children under sixteen years of age that such child Resident associate judge of any county empowered to commit.

OF JUVENILE DELINQUENTS.

Power of
managers.

or children is or are disobedient and uncontrollable, to commit such child or children to the said House of Refuge to be educated, trained and treated, and to be indentured or discharged in the same manner as is provided in the first section of this act. The managers of the said House of Refuge shall have as full power and authority over the children committed to their care by this act as are granted to and exercised by the said managers over the children committed to the said House of Refuge by the Courts of Quarter Sessions of the State of Pennsylvania.

Governor
shall draw a
warrant on
State Treas-
urer for sup-
port of child
or children
committed.

Proviso.
Charges not
to exceed \$3
per week for
each child.

SECTION 3. That the Governor shall, once in three months, draw a warrant on the State Treasurer, payable to the order of the treasurer of the said House of Refuge, for the education, support and maintenance of any child or children who may have been committed from this State under the provisions of this act for the preceding quarter. *Provided* that the charges and costs of such education, support and maintenance shall not exceed the sum of three dollars per week for each child; and that the superintendent of the said House of Refuge shall furnish the Governor with a list of the children sent from this State remaining in the House of Refuge, together with the names of those who have been placed out and with whom, or returned to their parents or guardians.

Officers'
costs taxed
as in other
criminal
cases.

SECTION 4. That the costs and fees which may be charged by any sheriff, clerk, or other officer in the execution of this act, not already provided for by law, shall be taxed and allowed by the Court of General-Sessions of the Peace, and paid in the same manner as the costs in other criminal cases.

Passed at Dover, March 9, 1883.

OF MASTERS, APPRENTICES AND SERVANTS.

CHAPTER 211.

OF MASTERS, APPRENTICES AND SERVANTS.

AN ACT in relation to the Binding of Children by Corporations of other States.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That indentures of apprenticeship which have been heretofore made, or which may hereafter be made by any corporation of any other State of this Union which shall have authority under its charter to execute said indentures with any citizen of this State, by which any minor subject to the authority of said corporation has heretofore been or shall hereafter be lawfully bound as an apprentice or servant to the said citizen, shall be as valid and effectual in all respects as a legal binding made in this State of a resident minor, and the law of this State in relation to apprentices and servants shall apply to all such cases of binding. *Provided always* that the said indentures, duly verified under some public seal of the State in which they were executed, shall be recorded in the office of the recorder of deeds in and for the county wherein the master or mistress resides, those heretofore made within three months from the passage of this act, and those hereafter made within three months from their date, or they shall be void. *And provided further*, that nothing herein contained shall be taken to change or in any manner affect any covenant contained in said indentures which is not expressly prohibited by the laws of this State.

Indentures
of appren-
ticeship
made by cor-
porations of
other States.

Validity.

Proviso.

Indentures
recorded in
this State.
Where.

Passed at Dover, April 2, 1883.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 212.

OF CONVEYANCES.

AN ACT concerning Acknowledgment of Deeds, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Acknowledgment,
etc., of
deeds out of
the State be-
fore notary
public.

Section 10,
Chapter 83,
Revised
Code,
amended.

SECTION 1. That any deed concerning lands, tenements, or hereditaments within this State, any other instrument of writing whatsoever, or any affidavit, or other statement requiring acknowledgment or proof, may be so acknowledged and proved out of this State before a notary public of any State or Territory or of the District of Columbia. The private examination of a married woman, party to such deed or instrument of writing, may be taken in like manner.

SECTION 2. All laws or parts of laws heretofore passed and inconsistent with this act are hereby repealed.

Passed at Dover, March 7, 1883.

OF CONVEYANCES.

CHAPTER 213.

OF CONVEYANCES.

AN ACT in relation to the Recording of Deeds and other Conveyances.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 83 of the Revised Code be and the same is hereby amended by striking out the word "sixty" after the word "within" and before the word "days" in the fourth line of Section 21 of the said chapter, and in lieu thereof insert the word "thirty."

Section 21,
Chapter 83,
Revised
Code
amended.

SECTION 2. That Chapter 520 of Volume 16, Laws of Delaware, be and the same is hereby amended as follows: Strike out the words "one year" in fifth line of Section 2 and in ninth line of Section 3 of said chapter, and in lieu thereof insert the words "three months."

Chapter 520,
Volume 16,
amended.

SECTION 3. That Chapter 520 of Volume 16, Laws of Delaware, be and the same is hereby further amended as follows: Strike out the words "the day of" in eleventh and twelfth lines of Section 1 of said chapter.

Further
amended.

SECTION 4. That any and all deeds and letters of attorney which shall have been recorded on the day of the sealing and delivery thereof shall be deemed and taken to have been properly recorded.

Recording
deeds, etc.

SECTION 5. The provisions of Sections 1 and 2 of this act shall not take effect until the first day of July, A. D. 1883. All acts and parts of acts inconsistent with this act are and the same shall be hereby repealed.

Passed at Dover, April 18, 1883.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 214.

OF THE SUPERIOR COURT.

AN ACT to amend Chapter 134 of the 16th Volume of Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 134,
Volume 16,
amended.

Providing
for addition-
al terms of
the Superior
Court.

Trials, how
conducted.

[SECTION 1.] That Chapter 134 of Volume 16 of Laws of Delaware be and the same is hereby amended by inserting after the word "Delivery," in the fifth line of Section 1, and in the tenth, fifteenth and nineteenth lines of the second section respectively, the words "and the Superior Court;" [also, by adding at the end of Section 1 of the act hereby amended, the words*] "At the September terms of the Superior Court herein provided for, no case shall be tried by a jury without consent of both parties."

Passed at Dover, April 19, 1883.

*The words between brackets appear in the bill as passed, but are omitted in the enrolled copy.

OF THE COURT OF CHANCERY.

CHAPTER 215.

OF THE COURT OF CHANCERY.

AN ACT concerning the Court of Chancery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. All writs of subpoena upon bills or petitions filed shall, unless otherwise specially ordered, be returnable into the office of the Register in Chancery on the first Monday of next month, or of the next month but one (at the election of the complainant) occurring after twenty days from the time of the issuing thereof. Writs of subpoena. When and where returnable.

SECTION 2. The appearance day of the defendant shall be the rule day to which the subpoena is made returnable, provided he has been served with the process twenty days before that day, otherwise his appearance day shall be the first Monday of the month next succeeding the rule day when the process is returnable. Appearance. Proviso.

SECTION 3. Upon the return of a subpoena upon bill filed, the defendant or defendants shall, unless the time be enlarged by special order, be required to answer on the first Monday of the month following the return of the subpoena. When answer to be filed.

SECTION 4. The Chancellor shall have power and authority, at chambers, to make any and all orders which might otherwise be made in term time, except to enter final decrees. Jurisdiction of Chancellor at chambers.

Passed at Dover, April 17, 1883.

OF THE ORPHANS' COURT.

CHAPTER 216.

OF THE COURT OF CHANCERY AND ORPHANS' COURT.

AN ACT to change the time of holding the Court of Chancery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Terms of
Chancery
and Orphans
Court.

SECTION 1. That from and after the passage of this act, in lieu of the times now fixed by law, the Court of Chancery and Orphans' Court shall commence and be held in New Castle county on the fourth Monday in March and fourth Monday in September; in Kent county on the third Monday in March and on the third Monday in September; and in Sussex county on the second Monday in March and on the first Monday in September.

SECTION 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 17, 1883.

CHAPTER 217.

OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court in and for Kent County to transcribe the General Index to the Records of the said Orphans' Court.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Clerk of the
Orphans'
Court of
Kent county
may make
copy of gen-
eral index,
and copy
certain doc-
uments.

SECTION 1. That the Clerk of the Orphans' Court and Register in Chancery in and for Kent county be and he is hereby authorized and directed to make, or cause to be made, a true and correct copy of the general index to the records of the said Orphans' Court, and also to record all the papers and plots relating to the business in said court and which should

OF THE ORPHANS' COURT.

have been recorded by the late incumbent, and also to make a correct record of all chancery papers and plots which should have been recorded by the late Register in Chancery.

SECTION 2. That James L. Wolcott and R. R. Kenney be and they are hereby appointed commissioners whose duty it shall be to examine such index and the records of the papers directed to be recorded, as provided in Section 1 of this act, after the Clerk of the Orphans' Court shall have completed the same, and if they approve of the correctness thereof they shall certify to the Levy Court of Kent county that the same is a true and faithful copy of said general index, and then and after such certificate the said copy shall become and be the general index to the records of said Orphans' Court.

Commissioners appointed to examine the same.

Their certificate to levy court.

SECTION 3. That the Levy Court of Kent county shall pay to the said Clerk of the Orphans' Court and Register in Chancery, and the said commissioners, a just and reasonable compensation for their services performed under this act.

Compensation.

Passed at Dover, March 20, 1883.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 218.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

AN ACT to amend Chapter 106 of the Revised Statutes concerning Pleading and Practice in Civil Actions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 106 of the Revised Statutes, concerning pleading and practice in civil actions, be amended by adding thereto the following two sections, to wit:

Chapter 106,
Revised
Code amend-
ed by adding
Sections 34
and 35.

SECTION 34. The defendant in any action now pending, or which shall be brought in the Superior Court for the recovery of money, or of any goods, chattels, or the value thereof in damages, which shall have come lawfully to his hands or possession, may, at any time after the declaration filed, and before plea pleaded, by a suggestion to be filed of record, disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof as the court shall order; and if he shall also allege, under oath or affirmation, that the right thereto is claimed by or supposed to belong to some person not party to the action (naming him or them), who has sued or is expected to sue for the same, or shall show some probable matter to the court to believe that such suggestion is true, the said court may, thereupon, order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon as shall be agreeable to the rules and practice of the law in like cases.

Defendant
in civil
action for re-
covery of
money, etc.,
may file dis-
claimer of
interest in
cause of
action
after decla-
ration filed
and before
plea.

When
plaintiff
may be or-
dered to in-
terplead
with third
persons.
Rules, etc.,
of court.

Judgment.

OF PLEADING AND PRACTICE.

SECTION 35. If the process issued upon an order to inter-plead as aforesaid shall not be actually served, or personal notice thereof shall not be given to such third person, the said court shall have power, upon giving judgment for the plaintiff, to require him to enter into a recognizance, and if they shall think it necessary with sufficient surety, to interplead with such third person if afterwards and before the expiration of the time which would be allowed to him to prosecute his claim against the defendant such third person should appear in the said court and claim such money, or such goods or chattels, or the value thereof.

Want of notice of inter-plea.

Recognizance.

Passed at Dover, March 14, 1883.

CHAPTER 219.

OF PLEADING AND PRACTICE.

AN ACT in regard to Pleading in Civil and Criminal Cases.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That in all cases, civil and criminal, in which any or either party shall demur to any indictment, declaration, plea, replication, rejoinder, surrejoinder, or other plea of any description of the opposite party, and the said demurrer shall be overruled, the party demurring shall have the right to plead over to the facts of the case by way of traverse or otherwise without withdrawing his demurrer; and upon appeal or writ of error shall have the questions of law arising upon the demurrer decided and determined as fully to every intent as if the party demurring had not pleaded over. *Provided* that at the time of filing such demurrer the same shall be accompanied by a certificate of the counsel filing the same that the said demurrer, in his opinion, is good in law and is not filed for purposes of delay.

When demurrer overruled.

Practice.

Appeal.

Writ of error

Proviso.

Counsel's certificate.

SECTION 2. That all laws or parts of laws inconsistent with this act be and the same are hereby repealed.

Passed at Dover, March 14, 1883.

OF JURIES.

CHAPTER 220.

OF JURIES.

AN ACT to amend Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 11 of
Chapter 109,
Revised
Statutes,
amended.

SECTION 1. That Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries," be and the same hereby is amended by striking out the word "forty-eight," where it occurs in lines five and sixteen of said section, and inserting in lieu thereof the word "fifty-four."

Passed at Dover, January 25, 1883.

CHAPTER 221.

OF JURIES.

AN ACT in reference to the Competency of Jurors in Capital Cases.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Competency
of jurors in
capital cases

SECTION 1. When a juror is called in a capital case he shall be first sworn or affirmed upon the *voir dire* and then asked, under the direction of the court, if he has formed and expressed any opinion in regard to the guilt or innocence of the prisoner at the bar. If his answer be in the negative, he shall be sworn as a juror in said case, unless he has conscientious scruples against finding a verdict of guilty in a case where the punishment is death, even if the evidence should so warrant him, or unless he shall be peremptorily challenged, challenged for cause, or excused by consent of counsel on both sides. If his answer to said question be in the affirmative, he shall be disqualified to sit in said case, unless he shall say, upon his said oath or affirmation, to the satisfaction of the court, that he feels able, notwithstanding such an opinion, to render an impartial verdict upon the law and the evidence; in which event he shall be a competent juror; if not otherwise disqualified, challenged, or excused.

When dis-
qualified.
Exceptions.

Passed at Dover, January 24, 1883.

TITLE SEVENTEENTH.

Of Proceedings in Special Cases.

CHAPTER 222.

OF HABEAS CORPUS.

AN ACT to amend Section 12 of Chapter 115 of the Revised Code of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 12 of Chapter 115 of the Revised Code of the Laws of Delaware be and the same is hereby amended by adding thereto the words following, to wit : Section 12 of Chapter 115 of Revised Code amended.
"Where the writ of *habeas corpus* is made returnable before the Chancellor or any Judge of the Superior Court in vacation, such contempt shall be punishable by the Chancellor or such Judge by both fine and imprisonment, or either, in his discretion; and the Chancellor or such Judge shall have power, by attachment for contempt, to compel the production before him of the body of the person imprisoned or restrained of his liberty."

Passed at Dover, April 3, 1883.

OF FUGITIVES FROM JUSTICE.

CHAPTER 223.

OF FUGITIVES FROM JUSTICE.

AN ACT in relation to Requisitions for Fugitives from Justice.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor may surrender fugitive on demand of another State, or grant application for requisition on another State or territory. When.

SECTION 1. The Governor, in any case authorized by the Constitution of the United States may, on demand, deliver over to the executive authority of any other State or Territory any person charged therein with treason, felony, or other crime committed therein; and he may, on application, appoint an agent to demand of the executive authority of any other State or Territory any person charged with felony who has fled from the justice of this State; but such demand or application must be accompanied by sworn evidence that the party charged is a fugitive from justice, and that the demand or application is made in good faith for the punishment of crime and not for the purpose of collecting a debt or pecuniary mulct, or of removing the alleged fugitive to a foreign jurisdiction with a view there to serve him with civil process, and also by a duly attested copy of an indictment or an information, or a duly attested copy of a complaint made before a court or magistrate authorized to take the same; such complaint to be accompanied by an affidavit or affidavits to the facts constituting the offense charged by persons having actual knowledge thereof, and such further evidence in support thereof as the Governor may require. Fugitive convicts shall also be surrendered and demanded upon the record of their conviction, or sworn evidence, duly authenticated, satisfactory to the Governor.

Governor may require an investigation by, and opinion of the Attorney General.

SECTION 2. When such demand or application is made, the Attorney General shall, if the Governor requires it, forthwith investigate the grounds thereof and report to the Governor all the material facts which may come to his knowledge, and especially in the case of a person demanded, whether he is held in custody or is under recognizance to answer for any offense against the laws of this State, or by force of any civil process, with an opinion as to the legality and necessity of complying with the demand or application.

OF FUGITIVES FROM JUSTICE.

SECTION 3. If in case of demand for the surrender of a person charged with an offense committed in another State or Territory, the Governor decides that it is proper to comply with the demand, he shall issue a warrant to the sheriff of the county in which such person so charged may be found, commanding him forthwith to arrest and bring such person before the Chief Justice, or any Judge of the Superior Court, to be examined on the charge; and upon the return of the warrant by the sheriff with the person so charged in custody, the judge before whom the person so arrested is brought, and to whom the warrant is returned, shall proceed to hear and examine such charge, and upon proof made in such examination by him adjudged sufficient, shall commit such person to the jail of the county in which such examination is so had for a reasonable time, to be fixed by the judge in the order of commitment, and thereupon shall cause notice to be given to the executive authority making such demand, or to the duly authorized agent of such executive authority appointed to receive the fugitive, and on payment of all costs by such agent such fugitive shall be delivered to him, to be thence removed to the proper place for prosecution; and if such agent does not appear within the time so fixed and pay the costs as aforesaid, the sheriff shall discharge the person so imprisoned. Whenever the Attorney General shall have been called on in such case for any service under this act, a reasonable charge for his services may be taxed by the judge as a part of the costs to be paid as aforesaid, and in default thereof to be paid by the State Treasurer upon a draft drawn on him for the same. Bail shall be taken for the appearance of the accused by the judge before whom he is brought in pursuance of the provisions of this section, as in other cases.

Proceedings when Governor accedes to a demand for a fugitive found in this State.

Compensation of Attorney General.

Bail.

SECTION 4. When an affidavit is filed before the Chief Justice or any Judge of the Superior Court, or a justice of the peace, setting forth that a person charged with the commission of an offense against the laws of any other State or of any of the Territories of the United States, and which if the act had been committed in this State would by the laws thereof have been a crime, is, at the time of filing such affidavit, within the county where the same is filed, such judge or justice of the peace shall issue his warrant, directed to the sheriff or any constable of the county, commanding him forthwith to arrest and bring before him the person so charged.

Affidavit.

Warrant for arrest.

OF FUGITIVES FROM JUSTICE.

Duty of examining officer.

SECTION 5. When a person is arrested in pursuance of the preceding section and brought before the officer who issued the warrant, the officer shall hear and examine such charge, and, upon proof by him adjudged to be sufficient, commit such person to the jail of the county in which such examination is had.

Notice of commitment

SECTION 6. When a person is committed to jail by a judge or justice of the peace under the preceding section, such judge or justice of the peace shall forthwith give or cause to be given notice, by letter or otherwise, to the sheriff of the county in which such offense was committed, or to the person injured by such offense, or to the person upon whose affidavit the arrest was made; and no person so committed shall be detained longer in jail than is necessary to allow a reasonable time to the persons so notified, after they receive such notice, to apply for and obtain the proper requisition for the person so committed. In all cases arising under this and the two preceding sections, bail shall be taken as in other cases.

Bail.

Passed at Dover, March 9, 1883.

TITLE NINETEENTH.

Of the Fees of Public Officers.

CHAPTER 224.

OF THE CORONER OF NEW CASTLE COUNTY.

AN ACT to amend Chapter 148 of the Sixteenth Volume Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 148 of Volume 16 of Laws of Delaware be amended as follows: In Section 1 of said chapter strike out the word "eight" in the third line thereof and insert in lieu thereof the word "ten;" also strike out the words "two hundred" in the fourth line of said section and insert in lieu thereof the words "two hundred and fifty." Further amend Section four of said chapter by striking out the word "two" in the fourth line thereof and insert in lieu the word "four;" and further amend said Section 4 by striking out the word "fifty" in the fifth line thereof and inserting in lieu the words "one hundred." Further amend said chapter by striking out all of Section 7 after the word "counties."

Chapter 148,
Volume 16,
amended.

SECTION 2. That the Coroner of New Castle county, and the coroner's physician, appointed under the act of which this act is amendatory, shall not receive for any service rendered by them, or either of them, as such coroner or coroner's physician, any sum or sums of money, in addition to their respective salaries, from any source whatever.

No additional compensation.

Passed at Dover, March 28, 1883.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 225.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, entitled "Offenses against the Lives and Persons of Individuals."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 2 of
Chapter 127,
Revised
Code,
amended.

SECTION 1. That Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, as published in 1874, entitled "Offenses against the lives and persons of individuals," be and the same is hereby amended by striking out all of the said section between the word "court," in the fourth line thereof, and the word "and" in the fifth line thereof.

Passed at Dover, March 9, 1883.

CHAPTER 226.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to Punish the Procurement of Abortion.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Persons in
any way ad-
vertising or
soliciting the
procurement
of abortion
guilty of a
misde-
meanor.

SECTION 1. Every person who shall advertise, print, publish, distribute or circulate, or shall cause to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement, or reference, containing words or language giving or conveying

OFFENSES AGAINST PRIVATE PROPERTY.

any notice, hint or reference to any person, or to the real or fictitious name of any person from whom, or to any place, house, shop, or office where anything whatsoever, or any instrument or means whatsoever, or any advice, direction, information or knowledge may be obtained for the purpose of causing or procuring the miscarriage of any pregnant woman, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars and be imprisoned for a term not exceeding one year. Fine.
Imprisonment.

SECTION 2. Every person who, with the intent to procure the miscarriage of any pregnant woman or women supposed by such person to be pregnant, unless the same be necessary to preserve her life, shall administer to her, advise, or prescribe for her, or cause to be taken by her any poison, drug, medicine, or other noxious thing, or shall use any instrument or other means whatsoever, or shall aid, assist, or counsel any person so intending to procure a miscarriage, whether said miscarriage be accomplished or not, shall be guilty of a felony, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and be imprisoned for a term not exceeding five years nor less than one year. Any person practising, or attempting to practice, abortion, or assisting therein, guilty of felony.
Fine.
Imprisonment.

Passed at Dover, February 13, 1883.

CHAPTER 227.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT to amend the act entitled "An act Concerning Embezzlement and Defalcation by Corporate Officers and others," passed at Dover, March 28, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section one of said act be and the same is hereby amended by inserting in the third line thereof, after the word "bank," the words "or railroad company," and by striking out the word "loan" in the eighth and eleventh lines thereof. Chapter 153, Volume 10, amended.

OF OFFENSES AGAINST PRIVATE PROPERTY.

SECTION 2. That Section three of said act, be and the same is hereby amended, by striking out the word "loan" in the ninth line thereof.

Passed at Dover, April 17, 1883.

CHAPTER 228.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT for the Protection of Private Property.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful
taking of any
horse, etc.

SECTION 1. That if any person shall unlawfully, or without having first obtained the consent of the owner or legal proprietor thereof, take possession of, use, ride or drive off, or being in the possession thereof, either lawfully or otherwise, shall mischievously abandon, turn loose or leave upon the highway any horse, gelding, mare, colt, ass, or mule, or other property that may be the subject of larceny, every such person (where the evidence is not sufficient to convict of larceny,) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, and shall pay all costs of search, reward and prosecution, and shall be imprisoned not exceeding one year.

Misde-
meanor.
Fine.

Imprison-
ment.

Who author-
ized to
arrest.

SECTION 2. The sheriff, any constable or other conservator of the peace, the owner or proprietor of such property, his agents or employees, or any other person or persons whom he or any of them may call to his assistance, shall have authority to arrest such offender either with or without warrant and take him before a justice of the peace or mayor of a city in the county where the offense is committed, that he may give bail with proper security for his appearance at court. If bail be not given when so required, the said justice or mayor shall, in default thereof, commit such offender to the county prison.

Bail.

Commit-
ment.

Passed at Dover, March 9, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 229.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Section 16 of Chapter 133 of the Revised Statutes of the State of Delaware, entitled "General Provisions Concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION I. That Section 16 of Chapter 133 of the Revised Statutes of the State of Delaware, entitled "General provisions concerning crimes and punishments," be and the same hereby is amended by striking out all of said section after the word "three" in the seventeenth line thereof and inserting in lieu of the words so stricken out the words following to wit: "On the trial of any indictment in the Court of Oyer and Terminer for a crime punishable with death, the prosecuting officer may, on behalf of the State, challenge peremptorily any jurors drawn not exceeding ten, and on the trial of any other indictment in said court, the State, by its prosecuting officer, may challenge peremptorily any jurors drawn not exceeding three. The right of challenge to any juror as he is called shall be first exercised by the prisoner."

Section 16, Chapter 133, Revised Code, amended.

Challenges by State.

Rights of the prisoner.

Passed at Dover, January 24, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 230.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Section 20 of Chapter 133 of the Revised Statutes, entitled "General Provisions concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 20,
Chapter 133,
amended.

SECTION 1. That Section 20 of Chapter 133 of the Revised Statutes of this State, entitled "General provisions concerning crimes and punishments," be and the same is hereby amended by adding at the end of said section the words following, to wit: "Provided that nothing in this section shall be construed so as to apply to capital cases."

Not applica-
ble to capital
cases.

Passed at Dover, April 12, 1883.

CHAPTER 231.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Chapter 154, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 154,
Volume 16,
amended.

SECTION 1. Amend Section one, Chapter 154, Volume 16, Laws of Delaware, as follows: Strike out all after the word "butter" in the third line and before the word "who" in the fourth line of said section, and insert the following: "made wholly or in part of any article of an artificial nature, without having conspicuously, at all times, placed upon the tub, box, table, counter, bench, or other vessel or receptacle holding the same, the words 'artificial butter,' in letters one and a half inches high by one inch in width, that the purchaser or purchasers", &c.

Words
"artificial
butter" to
be on all
vessels con-
taining it.

Passed at Dover, March 21, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 232.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT abolishing the Wearing of a Convict's Jacket as a Badge of Crime.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That that part of the punishment for certain crimes which requires the wearing of a convict's jacket as a badge of crime be and the same hereby is abolished.

Convict's jacket abolished as a badge of crime.

Passed at Dover, February 13, 1883.

CHAPTER 233.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT in relation to Corporal Punishment.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. In cases of conviction of larceny, when the prisoner is of tender years or is charged for the first time, (being shown to have before had a good character), the court may, in its discretion, omit from the sentence the infliction of lashes; and in cases where corporal punishment by whipping and the pillory, or either, is part of the sentence to be inflicted upon a convict, the court may, if it seem proper to do so, omit such corporal punishment, or either form of it, from the sentence, if the jury recommend such convict to mercy at the time of rendering their verdict.

In cases of larceny, court may omit certain punishment when prisoner is of tender years

Court may omit corporal punishment if jury recommend.

Passed at Dover, February 15, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 234.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to Prevent Injury to Burial Grounds and the Removal of Bodies therefrom.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Any person who shall willfully injure or remove any tombstone, etc., guilty of misdemeanor.

SECTION 1. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, grave stone, monument or other structure placed in any cemetery or grave yard appropriated to and used for the interment of human beings within this State, or shall willfully injure, destroy, or remove any fence, railing or other work for the protection or ornament of such place of interment, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall open any tomb, vault or grave within the same and clandestinely remove, or attempt to remove, any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for the county where the said offense is committed, be punished by a fine of not more than two hundred dollars and imprisoned for a term not exceeding two years, either or both, at the discretion of the court, according to the aggravation of the offense.

Fine.
Imprisonment.

Passed at Dover, February 27, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 235.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT for the Protection of the Community against Professional Thieves, Burglars and Pickpockets.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that

SECTION 1. It shall be the duty of all police officers in the City of Wilmington to arrest and take before the City Judge, provided for in the amended city charter of said city, all persons whom they shall find in any passenger railway car, or in or about any railway depot, steamboat landing, church, banking institution, broker's office, auction room, store, crowded thoroughfare, place of public amusement, or in any street of said city, whom they shall know or have good reason to believe are common thieves, burglars, or pickpockets; and said City Judge shall commit or bail such persons for trial before the Court of General Sessions of the Peace and Jail Delivery in and for the County of New Castle. And if any person in the City of Wilmington shall be charged, on oath, before the said City Judge for the city, or before the Associate Judge of the Court of General Sessions of the Peace and Jail Delivery resident in the County of New Castle, with being a common thief, burglar, or pickpocket, such City Judge, or Associate Judge of the said Court of General Sessions, shall issue a warrant for the arrest of such person and him commit or bail for trial; and any person convicted in the said Court of General Sessions of the Peace and Jail Delivery of being a common or professional thief, common or professional burglar, or common or professional pickpocket, shall be imprisoned in jail not more than two years nor less than six months, and be fined not more than one hundred dollars; but if any person be arrested or indicted a second time, or more, for such offense, he shall be convicted only on proof that he has continued to be a common thief, burglar, or pickpocket for at least one month since his last conviction or acquittal; and it shall be necessary to charge in the indictment only that the person is a common thief, or common burglar, or common pickpocket; and any evidence, either of facts or reputation, proving that such person is habitually and by practice a thief, burglar, or pickpocket, shall be sufficient for his conviction, if satisfactorily estab-

Police of
Wilmington
may arrest
certain per-
sons.

Duty of City
Judge.

Warrant for
arrest.
Party con-
victed.

Imprison-
ment.
Fine.
Second ar-
rest or in-
dictment.
Proof neces-
sary to con-
vict.

CONCERNING CRIMES AND PUNISHMENTS.

No discretion in police officers or magistrate to release.

Bail.

lishing the fact to the court or jury by whom he is tried. And there shall be no discretion in any police officer or magistrate to discharge or release any person who is, by such proof before them, or knowledge on their part, shown to be a thief, burglar, or pickpocket as aforesaid, but such person shall be bailed or committed for trial; and no conviction, or charge of or for being a common thief, burglar, or pickpocket, shall prevent any such person from being tried and convicted for any particular act of larceny or burglary he may have committed.

When person arrested may be taken before justice of the peace or city judge.

SECTION 2. If any person shall be arrested at any place within the limits of this State on the line of any railroad or in any of the cars or depots, or at any of the stations on said roads, or on any steamboat employed in carrying passengers over or upon the navigable waters of this State, charged with being a common thief, burglar or pickpocket, such person may be taken before any justice of the peace of the county in which said place of arrest, depot or station may be situated, unless within the City of Wilmington, and if within the said city, then before the City Judge for said city. If the

When arrest made outside of Wilmington, before whom taken.

arrest be made upon the cars or on any steamboat *en route* and outside of the City of Wilmington, such person may be taken before any justice of the peace of the nearest convenient county, or the City Judge for the City of Wilmington, who shall, on proof as provided in the preceeding section, commit or bail such person for trial before the Court of General Sessions of the Peace and Jail Delivery of the county. And all police officers of the City of Wilmington, special or general, all conductors of trains and police employed by any of the said railway or steamboat companies and openly distinguished as such, and all constables and bailiffs of any county town or city on the lines of any said road, shall arrest all such persons at any of the places aforesaid, on the same knowledge and proof of their being common thieves, burglars or pickpockets as provided in the preceding section, and the magistrate shall commit or bail such person on the same knowledge or proof, and any person convicted in any county on the line of said road with being a common thief, burglar or pickpocket, shall be punished by a fine and imprisonment in the jail of the county for the same time and in the same amount as provided in the preceding section, and all the provisions of the preceding section shall apply to all cases under this section except so far as modified hereby.

Magistrate may hold for trial.

What officers may arrest.

Power of magistrate.

Punishment of convict.

CONCERNING CRIMES AND PUNISHMENTS.

SECTION 3. In any prosecution or suit against any person for any complaint, arrest, prosecution or proceeding under this act, that the proceeding complained of was under it, and in good faith, may be given in evidence under the plea of "not guilty" and the burden of proof of malicious motive or want of probable cause shall rest upon the plaintiff in said prosecution or suit.

Prosecution
for arrest
What may
be given in
evidence un-
der plea of
not guilty.
Burden of
proof on
plaintiff.

SECTION 4. No person upon whose complaint a search warrant for stolen goods shall be regularly issued, or participating in aid of the officer executing the same by his authority, shall be answerable therefor in damages, if for such proceeding there be probable cause, supported by oath or affirmation, and there was no more detriment done to the party aggrieved in the service of such process than naturally and unavoidably arose out of the nature of the case; and the fact that in the execution of such search the goods described therein and alleged to have been stolen be not found upon the premises shall not of itself be deemed to raise a presumption of want of probable cause or of malicious motive.

When com-
plainant not
liable in
damages.

Passed at Dover, April 17, 1883.

MISCELLANEOUS.

CHAPTER 236.

OF REVENUE.

AN ACT to alter and amend the act entitled "An act to Raise Revenue for State and County Purposes," passed at Dover, March 30th, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1,
Chapter 22,
Volume 14,
amended.
Certain in-
vestments
not liable to
taxation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any assessor in this State to assess, and no tax shall be levied and collected on any investments in securities or stocks of other States, or of companies incorporated by other States or by the United States, made or held by residents, firms, companies, associations of persons or corporations of this State.

Passed at Dover, March 13, 1883.

CHAPTER 237.

OF CLAIMS AGAINST THE STATE.

AN ACT for the Payment of Claims against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the State Treasurer be and he is hereby authorized to pay the following claims :

To Delawarean, printing for 1881, 1882 and 1883, in full, \$877.95; C. P. Johnson, printing in full, \$218.13; Every Evening Pub. Co., 1881-1882, \$210.09; John R. McFee,

OF CLAIMS AGAINST THE STATE.

postage, &c., \$164.55; Jas. L. Hawkins, requisition, \$125.00; W. Scott Way, printing, 1881-1882, \$400.00; William J. Maxwell, requisition, \$150.00; J. B. Bell, advertising reg. reports, \$254.40; Clarke & McDaniel, stationery, \$246.33; James Frasher, Bailiff Court of Errors and Appeals, \$36.00; James Frasher, cleaning and preparation for inaug., \$16.00; Bell & Taylor, printing, in full, \$162.99; W. H. Purnell, State Board of Education, \$85.65; J. F. Staats, reports and incidentals, \$198.47; R. J. Reynolds, stationery and expenses in selling R. R. stock and redeeming State bonds, \$139.65; George P. Jarrell, lamp for Governor's office, \$10.00; Beniah Watson, drawing bill, \$10.00; William P. Godwin, window shades for House, \$5.79; Jos. Burchenal, Clerk of Court of Errors and Appeals, \$24.00; Corsa & Townsend, printing 1881-1882, \$32.00; John S. Herrington, Court of Appeals, \$9.00; Jas. H. Groves, \$350.00; Robert D. Hoeffcker, \$347.00; James S. Godwin, \$1.50; Stevenson & Slaughter, \$758.13; Andrew Smithers, stamps for use of Library, \$11.00; Wm. P. Godwin, \$99.31; J. B. Sharp, \$2.00; W. D. Walls, plumbing bill, \$188.67; R. R. Kenney, \$69.58; Samuel H. Black, requisition, \$60.00; The Delaware Democrat Publishing Co., \$114.12; R. T. Hart, surviving partner of Pride & Hart (J. L. Thompson, adm'r), \$123.24; Sussex Journal, in full to date, \$218.82; Charles W. Smith, requisition, \$30.00; James & Webb Printing Co., \$78.00; Dover Gas Light Co., \$332.51; The State Sentinel, \$21.60; Horstmann Bros. & Co., flag, \$18.00; T. K. Jones & Bro., \$7.70; William E. Smith, chairs, \$21.00; James Cowgill & Son, \$53.67; The Seaford Enterprise, \$1.00; Martha Hunter, washing, \$20.00; J. G. Lewis, ice, \$55.50; I. H. D. Knowles, printing in full, \$50.00; State Capital Band, \$45.00; Geo. W. Vernon, printing in full, \$36.76; James W. Wise, Court of Appeals, 1881, 1882, 1883, \$36.00; Thos. T. Lacey, \$18.00; E. G. Handy, printing, \$16.75; T. Cox, repairs, \$7.20; W. Tucker, Mess. Court of Errors and Appeals, \$12.00; Marion G. Hawkins, \$6.00; C. F. Thomas & Co., stationery, \$146.40; Wilmington Freie Press, printing, \$183.68; J. D. Deane, furnishing papers to Assembly, \$185.84; Peninsular News and Advertiser, \$35.00; Wm. Hunter, extra allowance, \$25.00; James L. Wolcott, for making list of Gov. appointments, \$75.00; James Kirk & Sons, in full, \$1,022.35; William P. Jones, purchasing agent to procure stationery for this session of the Legislature, the sum of \$75.00.

Passed at Dover, April 20, 1883.

RESOLUTIONS.

CHAPTER 238.

Joint Resolution appointing a Joint Committee to inform the Governor of the Organization of the two Houses of the General Assembly.

Resolved, That a joint committee be appointed, consisting of two on the part of the Senate and three on part of the House, to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly are organized and ready to receive any communication that he may see proper to make.

Adopted at Dover, January 2, 1883.

CHAPTER 239.

Joint Resolution appointing a Joint Committee to draft Rules for the Government of Intercourse between the two Houses.

Resolved by the Senate and House of Representatives in General Assembly met, That there be a joint committee of five, two on the part of the Senate and three on the part of the House, to report rules governing the intercourse between the two Houses.

Adopted at Dover, January 2, 1883.

RESOLUTIONS.

CHAPTER 240.

Joint Resolution adjourning both Houses from this day until Monday next at three and a-half o'clock, P. M.

Resolved by the Senate and House of Representatives, That when the two Houses adjourn, they adjourn until Monday next at three and a-half o'clock, P. M.

Adopted at Dover, January 3, 1883.

CHAPTER 241.

Joint Resolution authorizing the State Librarian to have the State House supplied with Water from the Dover Water Works.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Librarian be, and he is hereby authorized and empowered to have introduced into the capitol building water from the Dover Water Works, subject to the supervision and direction of the Speakers of the two Houses.

Adopted at Dover, January 3, 1883.

CHAPTER 242.

Joint Resolution relating to the Printing of certain Reports and Documents.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of five be appointed, three on the part of the House and two on the part of the Senate, to examine the reports and sundry documents accompanying the message of the Governor, and report to the respective houses such reports and documents as shall be printed for public information.

Adopted at Dover, January 3, 1883.

RESOLUTIONS.

CHAPTER 243.

Joint Resolution appointing a Joint Committee to Examine the State Treasurer's Account.

Resolved, That there be a joint committee of five appointed, two by the Senate and three by the House, to examine the State Treasurer's account.

Adopted at Dover January 3, 1883.

CHAPTER 244.

Joint Resolution convening the two Houses to open and publish the Returns of the Vote for Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 11 o'clock, A. M., on Tuesday next, the 9th instant, to be present at the opening and publishing, according to the Constitution of this State, of the returns of the election held in the several counties of the State on the Tuesday next after the first Monday in November last for Governor, and that two tellers be appointed, to wit: one on the part of the Senate and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

Adopted at Dover, January 8, 1883.

RESOLUTIONS.

CHAPTER 245.

Joint Resolution appointing a Joint Committee to make suitable arrangements for the Inauguration of the Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee, to be composed of three members of the Senate and five of the House of Representatives, be appointed to make suitable arrangements for the inauguration on Tuesday, the 16th instant, of the Governor-elect.

Adopted at Dover, January 9, 1883.

CHAPTER 246.

Joint Resolution appointing a Joint Committee to purchase a new Flag for the State House.

Be it resolved by the House of Representatives, (with the concurrence of the Senate), That a joint committee of three on the part of the House and two on the part of the Senate, be and are hereby appointed to purchase a U. S. flag for the State House.

Adopted at Dover, January 10, 1883.

CHAPTER 247.

Joint Resolution of Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn to-morrow morning, they adjourn to meet on Monday next at 4 P. M.

Adopted at Dover, January 10, 1883.

RESOLUTIONS.

CHAPTER 248.

Joint Resolution appointing a Committee to settle with C. S. Pennewill.

Resolved by the Senate and House of Representatives in General Assembly met, That a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to make settlement with Mr. C. S. Pennewill for improvements on the capitol building.

Adopted at Dover, January 11, 1883.

CHAPTER 249.

Joint Resolution appointing State Treasurer.

Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate), That John M. Houston be and he is hereby appointed State Treasurer.

Adopted at Dover, January 16, 1883.

CHAPTER 250.

Joint Resolution appointing Auditor of Accounts.

Resolved by the House of Representatives (with the concurrence of the Senate), That Jesse L. Long be and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 16, 1883.

RESOLUTIONS.

CHAPTER 251.

Joint Resolution convening the two Houses in Joint Session for the purpose of attending the Governor elect while the Oaths of Office are Administered to him.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the two houses shall convene in joint session at the hour of eleven o'clock, A. M., this 16th day of January, A. D. 1883, for the purpose of attending in a body His Excellency, the Governor-elect, while the oaths of office are administered to him at the Court House of the County of Kent.

Adopted at Dover, January 16, 1883.

CHAPTER 252.

Joint Resolution appointing a Joint Committee to inquire into the Expediency of Constructing Private Accommodations for the use of the Members and Officers on the two Main Floors of this Building.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there be a joint committee of three on the part of the House and two on the part of the Senate, to inquire into the expediency of providing suitable private accommodations on the two main floors of the State Capitol building.

Adopted at Dover, January 17, 1883.

RESOLUTIONS.

CHAPTER 253.

Joint Resolutions requesting the Opinions of the Chancellor and Judges on certain questions.

Opinions of
Chancellor
and Judges
requested on
the question
of increased
representa-
tion.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the Chancellor and Judges be and they are hereby requested to communicate to the General Assembly their opinions, in writing, upon the following questions, that is to say :

1. Is it within the constitutional power of the General Assembly, by a concurrent vote of two-thirds of the members of each branch thereof, to provide for the increase of the members of the Senate and House of Representatives in the General Assembly and to apportion the members thereof unequally among the several counties of the State ?

2. Is it competent for the General Assembly to provide by law for the election of members of either branch, or both branches of the General Assembly, from any or every county, from districts created by law within such county, in lieu of the election thereof upon general ticket throughout the county ?

Copy of res-
olutions to
be furnished
by Secretary
of State.

And be it further resolved as aforesaid, That a duly authenticated copy of these resolutions shall be forthwith transmitted to the Chancellor, the Chief Justice, and each of the Associate Judges, by the Secretary of State.

Adopted at Dover, January 21, 1883.

RESOLUTIONS.

CHAPTER 254.

Joint Resolution appropriating Eight Hundred Dollars to the Contingent Expenses of the Office of the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of eight hundred dollars be and the same is hereby appropriated and made payable to William F. Causey, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State, at its next session, for settlement.

Adopted at Dover, January 26, 1883.

CHAPTER 255.

Joint Resolution appointing Janitor.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Hunter be and he is hereby appointed janitor of the State House for the term of two years, beginning on the 9th day of April next, A. D. 1883; the said janitor to do all the work in and around the State House that may be necessary in order to keep the same in a proper condition and to manage the fires necessary to heat the Library, Secretary's Office and Governor's Room, except during the session of the Legislature. He shall receive as compensation for his services as janitor the sum of two hundred dollars per annum, for which he is hereby authorized to draw upon the State Treasurer at the end of each quarter.

Wm. Hunter
appointed
janitor of
State House.

Duties.

Compensation.

Adopted at Dover, January 26, 1883.

RESOLUTIONS.

CHAPTER 256.

Joint Resolution in relation to Increased Representation.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the committees of both Houses on the subject of increased representation have leave to sit and act as a joint committee.

Adopted at Dover, January 29, 1883.

CHAPTER 257.

Joint Resolution referring the Opinions of the Chancellor and Chief Justice to Committee on Increased Representation.

Resolved, That the opinions of the Chancellor and Chief Justice be referred to the special committee of the two Houses acting as a joint committee on increased representation.

Adopted at Dover, January 30, 1883.

CHAPTER 258.

Joint Resolution concerning Stationery for use of Legislature.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Cooch be and is hereby authorized and empowered to purchase the necessary fuel and stationery for the use of the next session of the Legislature and that he is hereby directed to present his accounts and vouchers to the next Legislature at its session for allowance.

Adopted at Dover, January 30, 1883.

RESOLUTIONS.

CHAPTER 259.

Joint Resolution for Printing the Opinions of the Chancellor and Chief Justice.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That 500 copies of the opinions of the Hons. the Chancellor and Chief Justice be printed for use of the members of both houses.

Adopted at Dover, January 30, 1883.

CHAPTER 260.

Joint Resolution in relation to Printing Opinions of Associate Judges.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the opinion of Judge Wootten upon the question of increased representation, and the opinions of Judges Houston and Wales, when they shall have been received, be printed with the opinions of the Chancellor and Chief Justice, already ordered to be printed, so that all the said opinions shall be in one pamphlet.

Adopted at Dover, February 2, 1883.

RESOLUTIONS.

CHAPTER 261.

Joint Resolution granting an Audience to the Delaware State Temperance Alliance.

Resolved, That the members of the Senate and House of Representatives do hereby accept the invitation of the State Temperance Alliance to meet them and hear their representations, and do hereby fix Thursday, the eighth day of February, A. D. 1883, at eight o'clock in the evening, for the purpose, to meet in the hall of the House of Representatives.

Adopted at Dover, February 2, 1883.

CHAPTER 262.

Joint Resolutoin in relation to C. S. Pennewill.

WHEREAS it appears by a report of the joint committee appointed to settle with C. S. Pennewill that the State is indebted to Mr. Pennewill in the sum of \$39.85; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the said C. S. Pennewill the sum above named on his draft for the same.

Adopted at Dover, February 5, 1883.

RESOLUTIONS.

CHAPTER 263.

Joint Resolution in reference to securing and preserving Temple Farm and the Moore House, at Yorktown, Virginia.

WHEREAS the Moore House, and Temple Farm upon Preamble. which it is situated, will carry with them through all time the memories of the siege and victory by which the allied armies of France and the American Colonies secured our national independence; and whereas, during the recent centennial celebration of the event by the citizens and representatives of the Republic of France and the United States of America, the hope was expressed, by the descendants of the officers of both France and America who commanded on the field in one thousand seven hundred and eighty-one, that the farm and house should be preserved and perpetuated as a memorial of the friendly alliance which then and ever since has existed between the people of the two nations, as well as in respect to the memories of those who fell in or survived the struggle that ended the protracted war and gave peace and hope to a then impoverished people; and whereas it is stated that the property can at this time be secured for a nominal sum, and that the product of the farm will probably be ample to preserve and keep the buildings in repair, and which are so located as to be well adapted for government purposes on occasion of naval inspections and reviews on York river; and whereas the sentiment expressed by representatives of the French Republic and descendants of French officers who commanded on the field at Yorktown, during their recent visit to participate in the centennial celebration, in conjunction with the descendants of the colonial officers, was that the government should take charge of and preserve and perpetuate the property, and believing this to be also the sentiment of the American people in general; and whereas the Legislature of New Jersey has recommended the purchase of said Temple Farm and Moore House by the Federal Government; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That we cordially approve the sentiments expressed by the Legislature of New Jersey respecting the purchase of the Temple Farm and Moore House, at Yorktown, Virginia, by the Government of the United States of America, and we should

RESOLUTIONS.

heartily approve the action of our Senators and Representative in Congress if they deem it proper to support a bill for that purpose.

And be it further resolved, That duly authenticated copies of these resolutions be transmitted to our Senators and Representative in Congress by the Secretary of State.

Adopted at Dover, February 7, 1883.

CHAPTER 264.

Joint Resolution to Reimburse the Adjutant General of this State.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to J. Parke Postles, Adjutant General of the State, the sum of four hundred and ten dollars and forty cents, being the amount expended by him in connection with the Centennial Celebration at Yorktown, Va., in excess of the amount appropriated therefor by the General Assembly, as per his account of expenditures set forth in his last semi-annual report; the payment having been recommended by Governor Hall in his message to the General Assembly.

State Treasurer to pay
Adj. Gen.
Postles certain ex-
penses of
Yorktown
celebration.

Adopted at Dover, February 9, 1883.

CHAPTER 265.

Joint Resolution concerning the Robbins Hose Company.

Preamble.

WHEREAS it is represented to the General Assembly that the people of the town of Dover have, in many ways, taken steps to protect the property of the said town from loss by fire, and have, among other things, by individual contributions raised the sum of \$1,200, with which they have purchased two hose carriages and 1,000 feet of hose; and

RESOLUTIONS.

whereas it is further represented that the said people have organized a hose company; and whereas it is further represented that the said company, having now no place in which to house the said carriages and hose, and it being necessary to have a proper place in which to house the said hose and carriages; and whereas it is further represented that it will cost the said company at least \$2,700 to buy the ground and build a proper house, thus making a total cost to the said town of \$3,900; and whereas it is further represented that the State has a large and valuable property in the said town, it seems only proper and right that the State should give some aid to the object above named; therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of H. Reedy, Treasurer of the Robbins Hose Company, No. 1, of the town of Dover, the sum of two hundred dollars, the said sum to be used for the purpose above named. State Treasurer to pay H. Reedy \$200.

Adopted at Dover, February 12, 1883.

CHAPTER 266.

Joint Resolution concerning Volume 16 of the Laws of Delaware.

WHEREAS the Secretary of State has closed and caused to be bound, with a general index, the Sixteenth Volume of the Laws of this State, in pursuance of Section 1, Chapter 4 of the Revised Code; therefore Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay the following charges against the State in relation to said Volume 16, viz: State Treasurer to pay charges in relation to Volume 16.

To James Kirk & Sons, for printing the index to Volume 16, the sum of two hundred and ninety-nine dollars, (\$299).

To James L. Wolcott, Secretary of State, for his services in preparing the index and for superintending the printing and binding of said Volume 16, the sum of three hundred dollars, (\$300).

RESOLUTIONS.

To James Kirk & Sons, for binding three hundred copies of said Volume 16, and all charges for transportation and delivery, the sum of two hundred and fifty dollars, (\$250).

And be it further resolved, That the Secretary of State shall retain in his office ten copies of said Volume 16, and deliver to the following officers in each county one copy, for the use of their respective courts, viz: To the Register of Wills, Register in Chancery, Clerk of the Orphans' Court, Prothonotary, and Clerk of the Peace; and also to deliver to the Clerks of the Senate and House one copy for each member of their respective houses in the present General Assembly, and the remainder he shall equally divide between the respective counties, placing them in the hands of the Prothonotaries, who are duly authorized to sell the same at two dollars per copy, and make return thereof as the law directs.

Adopted at Dover, February 13, 1883.

CHAPTER 267.

Joint Resolution for adjournment in commemoration of Washington's Birthday.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two houses adjourn on Wednesday afternoon, the 21st inst., it be to meet on Monday afternoon, the 26th inst., at 4 o'clock, P. M.

Adopted at Dover, February 20, 1883.

RESOLUTIONS.

CHAPTER 268.

Joint Resolution appointing a Joint Committee in relation to Malarious Poisons.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of three on the part of the House, and two on the part of the Senate, be appointed to inquire whether some efficient measures cannot be taken to prevent the autumnal generation and spread of malarious poison, and to report by bill or otherwise.

Adopted at Dover, February 21, 1883.

CHAPTER 269.

Joint Resolution appointing a Joint Committee to consider the propriety of purchasing ground adjoining the State House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of three members on the part of the Senate and five on the part of the House be appointed to take into consideration the subject of purchasing the necessary ground adjoining the State House property and erecting thereon a building for a Library and also a residence for the Governor, and that they make report, stating their views as to the propriety of the same and the probable expense thereof, and that they accompany their report, if favorable, by a bill to carry the above object into effect.

Adopted at Dover, February 21, 1883.

RESOLUTIONS.

CHAPTER 270.

Joint Resolution in relation to Printing and Binding the Insurance Report.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Report of Insurance Commissioner. Three hundred copies ordered.

Annual and tabular statements of insurance companies to be added to report.

Commissioner authorized to contract for printing, etc. of report. Governor authorized to draw an order on State Treasurer for payment of the same.

Committee appointed to settle with State Treasurer and Auditor authorized to audit accounts of Commissioner.

Make allowances.

That John R. McFee, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound three hundred copies of his insurance report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all companies doing the business of insurance in this State for the year ending December 31, 1882, and tabular statements setting forth the assets, liabilities, income, expenditures and other information showing the business condition and standing of said companies, which he may incorporate in or add to the said insurance report before printing and publishing the same.

Resolved, That the said John R. McFee be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby authorized, upon the certificate of the said John R. McFee, that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for payment of said printing and binding according to the said contract.

Resolved, That the committee appointed, or to be appointed by this General Assembly to meet at Dover in the month of January, A. D. 1884, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts, shall have full power and authority and they are hereby directed to audit the accounts of the said John R. McFee for preparing copies of said annual statements, and said tabular statements, for clerical services in preparing the same, and for superintending the printing of said insurance report, and shall make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon an order drawn in favor of the said John R. McFee by the chairman of said committee.

Adopted at Dover, February 21, 1883.

RESOLUTIONS.

CHAPTER 271.

Joint Resolution appointing Directors for the Farmers' Bank of the State of Delaware.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided :

For the principal Bank at Dover—Robert Clifton, Samuel W. Hall and Edward Lord ;

For the Branch at Wilmington—John P. Doughten, William M. Kennard and Joseph L. Carpenter, Jr. ;

For the Branch at New Castle—James T. Eliason, David Boulden and Albert H. Silver ;

For the Branch at Georgetown—Hugh Martin, Ebe W. Tunnel and Charles B. Houston.

Adopted at Dover, February 21, 1883.

CHAPTER 272.

Joint Resolution in reference to Journals of the respective Houses.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the respective houses be and they are hereby directed as follows, to wit:

1. To omit the Auditor's Report from their journals when they publish them.

2. To have the journals printed in as condensed a form as practicable.

3. To have thirty copies of the journals of their respective houses suitably bound, and transmit one to each member of the General Assembly, with the name of the member neatly stamped thereon.

The expense for such binding and stamping to be paid as the bills for printing the journals respectively are paid.

Adopted at Dover, February 26, 1883.

Auditor's
Report
omitted

Printed in
condensed
form.

30 copies
bound for
members.

RESOLUTIONS.

CHAPTER 273.

A Joint Resolution directing the State Treasurer to pay James Kirk & Sons the sum of \$448.90 for Stationery.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of James Kirk & Sons the sum of four hundred and forty-eight dollars and ninety cents for stationery furnished the Legislature of 1883.

Adopted at Dover, February 28, 1883.

CHAPTER 274.

Joint Resolution in relation to Committees on Divorce.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the chairmen of the Committees on Divorce of the two houses are hereby authorized and empowered to administer oaths and affirmations to persons appearing before their respective committees, or before the said committees in joint meeting.

Adopted at Dover, March 1, 1883.

CHAPTER 275.

Joint Resolution appointing a Joint Committee on the Presentation of the Picture of Lord Delaware.

Preamble.

WHEREAS it appears by the annexed communication from the Honorable Chief Justice Comegys that his brother, Benjamin B. Comegys, Esq., is desirous of presenting to the General Assembly a copy of the picture of Lord Delaware, recently presented to the City of Philadelphia by his lordship's descendants; therefore

RESOLUTIONS.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to accept the said picture at such time and place and in such manner as they may deem proper, and extend to the donor, Benjamin B. Conegys, Esq., the thanks of the General Assembly for the same. Committee appointed.

Adopted at Dover, March 6, 1883.

CHAPTER 276.

Joint Resolution concerning the Insurance of the State Property.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Librarian be and he is hereby authorized and directed to have insured against fire, in suitable companies, for three years, the sum of fifteen thousand dollars on the Capitol building, the sum of two thousand dollars on the furniture therein, and the sum of twenty-five thousand dollars upon the contents of the State Library, and he is hereby authorized to draw upon the State Treasurer for the amount of premiums that will be required for such insurance, for the said three years. *Provided* that the said premiums shall not exceed the sum of three hundred dollars. Librarian authorized to have certain State property insured.

Authorized to draw on State Treasurer for premiums.

And be it further resolved, That the Librarian for the time being be and he is hereby authorized and directed to continue the said insurance, in like manner, from year to year, until otherwise directed by the General Assembly.

Adopted at Dover, March 6, 1883.

RESOLUTIONS:

CHAPTER 277.

Joint Resolution relative to the Collection of State Taxes from the Farmers' Bank.

State Treasurer to suspend collection of taxes from Farmers' Bank pending certain litigation.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed not to collect from the Farmers' Bank, or any of its branches, any State taxes during the continuance of the litigation now pending in the United States Court for the District of Delaware relative to the right of this State to collect from the National Banks in this State any tax or taxes which may have been assessed against them under any laws of this State, or after it shall have been decided that the National Banks of this State are not liable for any taxes which may be assessed against them under any law in this State, in case the determination of such litigation shall be adverse to this State.

Adopted at Dover, March 9, 1883.

CHAPTER 278.

Joint Resolution in relation to Juvenile Delinquents.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Managers of the House of Refuge in the City of Philadelphia be and they are hereby requested to admit into their institution such persons, under the age of sixteen years, as may be sent to them under and by virtue of an act entitled "An act to provide for the Education and Training of Juvenile Delinquents," passed at Dover, March 9th, 1883.

Adopted at Dover, March 13, 1883.

RESOLUTIONS.

CHAPTER 279.

Joint Resolution in relation to New Business.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That no more new business will be received by either House after March the 23d, inst.

Adopted at Dover, March 13, 1883.

CHAPTER 280.

Joint Resolution in relation to the Presentation of the Picture of Lord Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

1st. That the thanks of the General Assembly are due and hereby tendered to Benjamin B. Comegys, Esq., of the City of Philadelphia, for his handsome and valuable gift of the picture of Lord Delaware, recently presented by his brother, the Honorable Chief Justice Comegys. Thanks to Benjamin B. Comegys, Esq., for portrait of Lord Delaware.

2d. That the Sergeants-at-Arms be directed to hang the said picture in the Governor's room in the Capitol building in such a manner as the Governor may desire. To be hung in Governor's room.

3d. That the Committees on Printing be directed to have published in pamphlet form 500 copies of all the proceedings of the General Assembly, or any committee appointed for the purpose, in relation to the presentation and acceptance of said picture. Presentation proceedings.

4th. That the Clerks of the two houses be directed to transmit to said Benjamin B. Comegys, Esq., a duly certified copy of these resolutions. Duty of clerks.

Adopted at Dover, March 14, 1883.

RESOLUTIONS.

CHAPTER 281.

Joint Resolution compensating Edward Ridgely for his services as Chancellor *ad litem*.

Preamble.

WHEREAS the General Assembly of this State, on the twenty-sixth day of March, A. D. 1875, adopted a joint resolution appropriating five hundred dollars out of any money in the treasury as compensation to William S. McCaulley for his services as Chancellor *ad litem* in the case of Benjamin Burton vs. George W. Willen, and directing the State Treasurer to pay to the said William S. McCaulley the said sum of five hundred dollars when and as soon as he shall have rendered his decision in said case, and not before; and whereas the said William S. McCaulley died without ever having rendered a decision in said case; and whereas, after the death of the said William S. McCaulley, John W. Hall, Esq., then Governor of this State, did appoint and commission Edward Ridgely as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen; and whereas the said case was heard by and argued before the said Edward Ridgely, who rendered his final decision in said case at the March term, A. D. 1882, of the Court of Chancery of the State of Delaware in and for Sussex county; now therefore

State Treasurer to pay Edward Ridgely, Esq. \$450 for services as Chancellor *ad litem*.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to Edward Ridgely, out of any moneys in the treasury not otherwise appropriated, the sum of four hundred and fifty dollars, as compensation to him for his services as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen.

Adopted at Dover, March 21, 1883.

RESOLUTIONS.

CHAPTER 282.

Joint Resolution in relation to Printing.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all public officials authorizing any printing done at the expense of the State shall endorse all bills for the same as correct before the same shall be allowed.

Adopted at Dover, March 23, 1883.

CHAPTER 283.

Joint Resolution for the benefit of the Breakwater and Frankford Railroad Company.

WHEREAS there are arrears of interest accrued prior to Preamble. January 1st, 1882, on the mortgage made by the Breakwater and Frankford Railroad Company in favor of the State, amounting to the sum of \$38,886.66; and whereas the earning of the said company are not now sufficient to pay any part of said arrears; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the payment of the said arrears of interest shall not be demanded or enforced by the State until such time as the net earnings of the said company shall be equivalent to six per centum on its capital stock. Provided, that nothing herein contained shall be held or construed to affect the priority of lien of said mortgage as well with respect to the said accrued interest as to the principal sum secured thereby and the interest hereafter to accrue. And provided also that if at any time proceedings shall be taken on behalf of the State for the foreclosure of the said mortgage for or on account of any default in the payment of the principal debt secured thereby or of interest hereafter to accrue thereon, and the mortgage property shall be sold under and in pursuance of such proceedings, then and in such case the stay herein-

Payment of
arrears of
interest.
When de-
manded.

State lien
not affected.

Further
Proviso.

Foreclosure
proceedings.

RESOLUTIONS.

before granted shall cease and become of no effect and the said accrued interest shall become due and payable out of the proceeds of such sale as a part of the debt and interest secured by said mortgage.

Adopted at Dover, March 23, 1883.

CHAPTER 284.

Joint Resolution to pay to Hon. John W. Houston Five Hundred Dollars remaining due to him for one hundred copies of the First Volume of Delaware Reports of Criminal Cases delivered to the State on the publication of the same, pursuant to the Statute in such case made and provided.

Preamble.

WHEREAS Hon. John W. Houston delivered to the State, by depositing in the State Library at Dover, pursuant to the statute in such case made and provided on the publication thereof, one hundred bound copies of his first volume of Delaware Reports in Criminal cases, in the month of September, in the year of our Lord one thousand eight hundred and eighty, and on the ninth day of that month received the written order of the Governor on the State Treasurer for the sum of five hundred dollars in full payment for the same, and which was afterwards duly paid to him; and whereas by the mutual mistake of both of the parties to the transaction, and their overlooking the provisions of "An act to amend Chapter 27 of the Revised Statutes of this State," passed at Dover, February 5, 1877, which provided that the same should be paid for by the State at the price of ten dollars per copy or volume, the sum then paid by the State, and so received by him for them, was but half of the price which the law had thus placed upon them, and was but half of the amount that he was legally entitled to receive therefor; therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in addition to the said sum of five hundred dollars so paid to the said Hon. John W. Houston for the said one hundred copies of his first volume of Delaware Reports of Criminal Cases on the said ninth day of September in the year of our

Governor
authorized
to draw war-
rant to order
of Hon. John
W. Houston
for \$500.

RESOLUTIONS.

Lord one thousand eight hundred and eighty, the Governor of the State is hereby authorized and directed to draw an order on the State Treasurer in his favor for the sum of five hundred dollars in full payment and satisfaction therefor.

Adopted at Dover, March 23, 1883.

CHAPTER 285.

Joint Resolution authorizing the Purchase of the "Jump" Property.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor be and he is hereby authorized and empowered to purchase the real estate south and east of the Capitol building known as the "Jump" property, said property being bounded by the Capitol building and the Jones' Neck road on the north, by a lane on the east, by the "Nicholson" property on the south, and by the said "Nicholson" property and Dover green on the West, *provided* that said purchase can be effected for the sum of eight thousand dollars; in addition to a two years lease of said premises, except the stables and buildings hereafter referred to, without payment of rent or interest but subject to such taxes and insurance premiums as accrue. If said property should be so purchased, the Governor is hereby authorized to draw his warrant on the State Treasurer for the amount of said purchase and the cost of conveyancing.

Governor
authorized
to purchase
Jump prop-
erty.

Purchase
money \$8000
Reservation

Governor to
draw war-
rant.

Be it further resolved, that in case said purchase should be so made, the Governor is hereby requested to employ a competent person to remove *at once* the stable and outbuildings east of and near to the library building, so as to lessen the fire risk thereof, and he may draw upon the State Treasurer for the expenses thereby incurred.

Governor to
cause re-
moval of cer-
tain build-
ings.

Adopted at Dover, March 29, 1883.

RESOLUTIONS.

CHAPTER 286.

Joint Resolution directing the State Treasurer to pay certain moneys to Charles B. Lore to meet the expenses of certain trials in the United States District Court.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer is hereby directed to pay to the order of Hon. Charles B. Lore a sum not exceeding thirteen hundred dollars, the same to be applied to the payment of the witness fees and costs for the defense of the election officers of the State of Delaware indicted (in the United States Court for the District of Delaware) tried, and not convicted for alleged violations of the Revised Statutes of the United States in their official capacity at the general election in November A. D. 1880, and the said Charles B. Lore shall furnish to the said State Treasurer the receipt of each recipient of any part of said fund, together with a certified abstract of the said witness fees and costs, under the seal of the Clerk of the District Court aforesaid. *Provided,* that no person summoned by the United States and the defense and paid by the United States, shall be again paid for the time for which the United States shall have so paid him.

Appropriation of \$1,300

Proviso.

Adopted at Dover, March 30, 1883.

CHAPTER 287.

Joint Resolution in regard to the Death of the Chaplain of the House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That out of respect to the memory of the Rev. Cyrus Huntington, both Houses of the General Assembly will meet in the hall of the House of Representatives at one o'clock, P. M., this day, to attend, in a body, the funeral of the Rev. Cyrus Huntington, late Chaplain of the House, to take place at the burial ground of the Presbyterian Church, in the town of Dover.

Resolutions of respect to the memory of late Rev. Cyrus Huntington.

Adopted at Dover, April 18, 1883.

RESOLUTIONS.

CHAPTER 288.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both Houses of the Legislature adjourn on Friday, the twentieth day of April, 1883, sine die.

Adopted at Dover, April 19, 1883.

CHAPTER 289.

Joint Resolution concerning the Dover Water Works.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of the President of the Town Council of the Town of Dover, for the benefit of the Dover water works, annually, the sum of forty dollars, the said sum to be in lieu of all water charges.

Adopted at Dover, April 19, 1883.

CHAPTER 290.

Joint Resolution in relation to Printing of the Journals.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the respective houses be and they are hereby directed to omit the reports of the Auditor, Secretary of State, State Chemist, and Delaware College, from their journals when they publish them.

Adopted at Dover, April 19, 1883.

RESOLUTIONS.

CHAPTER 291.

Joint Resolution in relation to certain Taxes.

Preamble.

WHEREAS by an act of the General Assembly, passed at Dover, April 11, 1873, the State Treasurer was directed and empowered to receive from the Philadelphia, Wilmington and Baltimore Railroad Company the sum of twenty-seven thousand dollars annually in lieu of all taxes against said company, under the act of April 8th, 1869, by equal quarterly installments; therefore

Duty of
State Treas-
urer relative
to certain
railroad
taxes.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized, required and directed to investigate and ascertain whether any railroad corporation or canal company has omitted the payment of any taxes, under the act last aforesaid, on capital stock and net earnings, and if so, to require statements of said taxes for said capital stock or net earnings so as aforesaid omitted to be paid to be made by all such companies forthwith, according to the requirements of the said act, covering the whole period of such arrearages.

State Treas-
urer author-
ized to ac-
cept certain
sums in full
payment of
taxes in
arrear.

Resolved further, That when any such company shall pay for each and every year of such arrearage a sum of money which shall bear the same proportion to the said sum of twenty-seven thousand dollars that that proportion of the actual cash value of the capital stock and net earnings of the said company which is subject to tax under the act last aforesaid shall bear to that proportion of the actual cash value of the capital stock and net earnings (subject to tax under the act last aforesaid) of the Philadelphia, Wilmington and Baltimore Railroad Company for the same period, the said State Treasurer is hereby authorized, directed and empowered to accept and receive such sum in full payment of all such taxes so in arrear.

State Treas-
urer author-
ized to ac-
cept commu-
tation of
taxes.

Resolved further, That when any such company shall have fully complied with and conformed to the requirements of the preceding resolve, the State Treasurer shall thereafter accept and receive from each of the said companies, by equal quarterly payments in each year, commutation of the taxes under the act of April 8th, 1869, on the basis hereinbefore stipulated. *Provided* that nothing herein contained shall

Proviso.

RESOLUTIONS.

be so construed as to repeal, modify, or in any way affect the provisions of the act aforesaid, except only to authorize commutation of the taxes imposed by the said act until the General Assembly shall direct otherwise.

Adopted at Dover, April 19, 1883.

CHAPTER 292.

Joint Resolution in relation to the sale of the copies of the Code as amended and published in 1874.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Prothonotaries of the respective counties of this State, and their successors in office, be and they are hereby authorized and directed to sell the copies of the Code of this State, as amended and published in 1874, and now remaining unsold, at one dollar per copy.

Adopted at Dover, April 19, 1883.

CHAPTER 293.

Joint Resolution returning thanks to the several Railroad Companies.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of the General Assembly are hereby tendered to the several railroad companies for the courtesy of passes to the members over their respective roads during the session.

Passed at Dover, April 20, 1883.

RESOLUTIONS.

CHAPTER 294.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of the Senate and House of Representatives.

Joint committee to settle with certain officers.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five be appointed on the part of the General Assembly, to consist of the following two members of the Senate, viz: Wilson T. Cavender and Swithin Chandler; and the following three members of the House of Representatives, viz: Ezekiel C. Frazer, Henry M. Barlow, George W. Risler; whose duty it shall be to meet at Dover on the third Tuesday of January, 1884, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Statements to be made and published.

Resolved, That it shall be the duty of said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

Power to audit accounts of clerks and Secretary of State.

Resolved, That said committee shall have full power and authority to audit the account of the Clerk of the Senate, and of the Clerk of the House of Representatives, for superintending the printing of the journals of the houses of the Legislature during the present session, and for making indexes thereto. Also the account of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said Clerks and said Secretary of State respectively.

Make allowances.

Compensation of committee.

Resolved, That the said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of the said committee, out of any money in the hands of the said State Treasurer not other-

RESOLUTIONS.

wise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Adopted at Dover, April 20, 1883.

TITLES OF ACTS OF INCORPORATION

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

CHAPTER 295.

An Act to incorporate the Springer, Morley and Gause Company.

Passed at Dover, January 18, 1883.

CHAPTER 296.

An Act to incorporate The Delaware Lumber Company.

Passed at Dover, January 18, 1883.

CHAPTER 297.

An Act to amend an act entitled "An Act to incorporate the Delaware Beet Sugar Company," passed at Dover, March 25, 1879.

Passed at Dover, January 23, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 298.

An Act to incorporate The J. A. Cranston Company, of Newport, Delaware.

Passed at Dover, January 23, 1883.

CHAPTER 299.

An Act to incorporate The Rehoboth Hotel Company.

Passed at Dover, January 24, 1883.

CHAPTER 300.

An Act to incorporate the Robbins Hose Company, of Dover, Delaware.

Passed at Dover, January 25, 1883.

CHAPTER 301.

An Act to incorporate the Journeymen Bricklayers' Protective and Beneficial Association, of Wilmington, Delaware.

Passed at Dover, January 26, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 302.

An Act to incorporate The Dover Market House Company.

Passed at Dover, January 26, 1883.

CHAPTER 303.

An Act to incorporate The Madison Street Club Stables.

Passed at Dover, January 26, 1883.

CHAPTER 304.

An Act to incorporate The Delaware Baptist Union.

Passed at Dover, January 26, 1883.

CHAPTER 305.

An Act to incorporate The Peninsular Bone Fertilizer Company.

Passed at Dover, January 30, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 306.

An Act to incorporate The Capitol Building and Loan Association.

Passed at Dover, January 30, 1883.

CHAPTER 307.

An Act to incorporate The Delmarvia Fertilizer Company, of Clayton, Delaware.

Passed at Dover, January 30, 1883.

CHAPTER 308.

An Act to amend an act entitled "An act to incorporate The Jackson Lime and Marble Company," passed at Dover, March 31, 1881.

Passed at Dover, January 30, 1883.

CHAPTER 309.

An Act to incorporate The Diamond State Organ Company.

Passed at Dover, January 30, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 310.

An Act to incorporate St. Mary's Total Abstinence Beneficial Pioneer Corps, of Wilmington, Delaware.

Passed at Dover, January 30, 1883.

CHAPTER 311.

An Act to incorporate The Brandywine Catholic Literary Association, Brandywine, Delaware.

Passed at Dover, January 30, 1883.

CHAPTER 312.

An Act to incorporate The Wesleyan College.

Passed at Dover, January 30, 1883.

CHAPTER 313.

An Act to incorporate The Pusey and Scott Company.

Passed at Dover, January 31, 1883.

TITLES OF ACTS OF INCORPORATION. "

CHAPTER 314.

An Act to incorporate The Ancient Order of Hibernians, Division No. 4, of the City of Wilmington, Delaware.

Passed at Dover, February 2, 1883.

CHAPTER 315.

An Act to incorporate The Montiflore Mutual Benefit Society, of Wilmington.

Passed at Dover, February 2, 1883.

CHAPTER 316.

An Act to incorporate the Ancient Order of Hibernians (Division No. 5), of Hockessin, Delaware.

Passed at Dover, February 2, 1883.

CHAPTER 317.

An Act to incorporate The River Front Land Improvement Company.

Passed at Dover, February 6, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 318.

An Act to incorporate The Star Publishing Company.

Passed at Dover, February 6, 1883.

CHAPTER 319.

An Act to incorporate The Mutual Loan Association, of Townsend, Delaware.

Passed at Dover, February 6, 1883.

CHAPTER 320.

An Act concerning The George P. Whitaker Company.

Passed at Dover, February 6, 1883.

CHAPTER 321.

An Act to incorporate The Harrington Library Association, of Kent County, Delaware.

Passed at Dover, February 6, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 322.

An Act to incorporate The Gazette Publishing Company.

Passed at Dover, February 6, 1883.

CHAPTER 323.

An Act to incorporate The Hickory Grove Cemetery Company, of New Castle County, Delaware.

Passed at Dover, February 6, 1883.

CHAPTER 324.

An Act to incorporate The National Dredging Company.

Passed at Dover, February 6, 1883.

CHAPTER 325.

An Act to incorporate The Johnson Forge Company.

Passed at Dover, February 7, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 326.

An Act to incorporate The Philadelphia and Smyrna Transportation Company.

Passed at Dover, February 7, 1883.

CHAPTER 327.

An Act to incorporate the J. M. Pusey Company.

Passed at Dover, February 9, 1883.

CHAPTER 328.

An Act to incorporate The Young Men's Democratic Club, of Wilmington, Delaware.

Passed at Dover, February 9, 1883.

CHAPTER 329.

An Act to incorporate The Pioneer Coach Company.

Passed at Dover, February 13, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 330.

An Act to amend the act entitled "An act to incorporate The Capelle Hardware Company."

Passed at Dover, February 13, 1883.

CHAPTER 331.

An Act to incorporate The Wilmington Market House Company.

Passed at Dover, February 14, 1883.

CHAPTER 332.

An Act to incorporate The Wilmington Glass Company.

Passed at Dover, February 14, 1883.

CHAPTER 333.

An Act entitled "An act to amend an act to incorporate The Laurel Grange Co-operative Store Company."

Passed at Dover, February 15, 1883.

TITLES OF ACTS OF INCORPORATION:

CHAPTER 334.

A Supplement to the act entitled "An act to incorporate the Delaware Steam Fire Engine Company, No. 3, of Wilmington, Delaware."

Passed at Dover, February 15, 1883.

CHAPTER 335.

An Act to incorporate The Young Men's Republican Club of the City of Wilmington, Delaware.

Passed at Dover, February 15, 1883.

CHAPTER 336.

An Act to incorporate The Enoch Moore Jr. Ship and Car Building Company.

Passed at Dover, February 20, 1883.

CHAPTER 337.

An Act to incorporate The Guardian Savings and Loan Association.

Passed at Dover, February 20, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 338.

An Act to incorporate The American Union Insurance Company.

Passed at Dover, February 28, 1883.

CHAPTER 339.

An Act to incorporate The Hercules Powder Company.

Passed at Dover, March 1, 1883.

CHAPTER 340.

An Act to revive and extend the time of recording the act entitled
"An act to incorporate the Delaware Avenue Club Stables."

Passed at Dover, March 1, 1883.

CHAPTER 341.

An Act to incorporate The Repanno Chemical Company.

Passed at Dover, March 1, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 342.

An Act to incorporate The Delaware Saengerbund, of Wilmington, Delaware.

Passed at Dover, March 1, 1883.

CHAPTER 343.

An Act to incorporate The Seidel and Hastings Company.

Passed at Dover, March 2, 1883.

CHAPTER 344.

An Act to incorporate Delaware Lodge, No. 349, of the German Order of Harngari, of Wilmington, Delaware.

Passed at Dover, March 2, 1883.

CHAPTER 345.

An Act to incorporate The New Castle Lodge, No. 3, of the American Protestant Association of the State of Delaware.

Passed at Dover, March 3, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 346.

An Act to incorporate The John Moir and Son Company.

Passed at Dover, March 6, 1883.

CHAPTER 347.

An Act to incorporate The Diamond State Joint Stock Company, of Wilmington, Delaware.

Passed at Dover, March 7, 1883.

CHAPTER 348.

An Act to incorporate The International Lumber Company.

Passed at Dover, March 7, 1883.

CHAPTER 349.

An Act entitled "An act to incorporate The Milton Library Association."

Passed at Dover, March 7, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 350.

An Act to incorporate The Delaware Loan Association, of Wilmington, Delaware.

Passed at Dover, March 8, 1883.

CHAPTER 351.

An Act to incorporate The Stanton Manufacturing Company, of Stanton, Delaware.

Passed at Dover, March 8, 1883.

CHAPTER 352.

An Act to incorporate The Wawasset Ice Company.

Passed at Dover, March 8, 1883.

CHAPTER 353.

An Act to incorporate The Newark Exchange Building Association.

Passed at Dover, March 8, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 354.

An Act to incorporate The Delaware River Dry Dock and Construction Company.

Passed at Dover, March 8, 1883.

CHAPTER 355.

An Act to incorporate The Jackson and Sharp Company Beneficial Association.

Passed at Dover, March 8, 1883.

CHAPTER 356.

An Act to incorporate The United Benevolent Daughters of Solomon, of Milford, Delaware.

Passed at Dover, March 9, 1883.

CHAPTER 357.

An Act to incorporate The Broadkill River Oyster Company.

Passed at Dover, March 13, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 358.

An Act to incorporate St. John's School, Faulkland.

Passed at Dover, March 14, 1883.

CHAPTER 359.

An Act to incorporate Fidelity Lodge, No. 25, of the Independent Order of Odd Fellows of the State of Delaware, at Frankford.

Passed at Dover, March 19, 1883.

CHAPTER 360.

An Act to incorporate the Torpedo Company of the State of Delaware.

Passed at Dover, March 20, 1883.

CHAPTER 361.

An Act to incorporate The Port Penn Grange Hall Company, P. of H., No. 9, of Delaware.

Passed at Dover, March 21, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 362.

An Act to incorporate The Clayton Fruit and Basket Company.

Passed at Dover, March 23, 1883.

CHAPTER 363.

An Act to incorporate The Mispillion Conclave, No. 33, I. O. H.

Passed at Dover, March 23, 1883.

CHAPTER 364.

An Act to incorporate The Delaware Fruit Exchange.

assed at Dover, March 27, 1883.

CHAPTER 365.

An Act for the renewal of the charter of the Delaware Loan Association in the City of Wilmington.

Passed at Dover, March 30, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 366.

An Act to incorporate The Wapella Manufacturing Company.

Passed at Dover, April 4, 1883.

CHAPTER 367.

An Act to incorporate The Diamond State Conserving and Pickling Company, of Smyrna, Delaware.

Passed at Dover, April 4, 1883.

CHAPTER 368.

An Act to incorporate the St. Georges Fruit Packing Company.

Passed at Dover, April 4, 1883.

CHAPTER 369.

An Act to incorporate Atlantic Lodge, No. 15, Independent Order of Odd Fellows, at Lewes, Delaware.

Passed at Dover, April 4, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 370.

An Act to incorporate The C. H. Treat Manufacturing Company.

Passed at Dover, April 4, 1883.

CHAPTER 371.

An Act to incorporate The Diamond Milling Company.

Passed at Dover, April 4, 1883.

CHAPTER 372.

An Act to incorporate The Milford Library Association.

Passed at Dover, April 5, 1883.

CHAPTER 373.

An Act to incorporate The Shipley Street Sewer Company, of Wilmington.

Passed at Dover, April 5, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 374.

An Act to incorporate an Association for the Purchase, Improvement and Sale of Real Estate.

Passed at Dover, April 9, 1883.

CHAPTER 375.

An Act to incorporate The Nanticoke Building and Loan Association.

Passed at Dover, April 9, 1883.

CHAPTER 376.

An Act to incorporate The Dover Manufacturing Company.

Passed at Dover, April 9, 1883.

CHAPTER 377.

An Act to amend the act entitled "An act to incorporate the Perpetual Savings and Loan Association," of Wilmington, Delaware.

Passed at Dover, April 9, 1883.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 378.

An Act to incorporate The Bellah Iron Company.

Passed at Dover, April 12, 1883.

CHAPTER 379.

An Act to incorporate The Electrical Construction and Maintenance Company.

Passed at Dover, April 13, 1883.

CHAPTER 380.

An Act to incorporate The Brooks Underground Conduit Company.

Passed at Dover, April 13, 1883.

CHAPTER 381.

An Act to incorporate The Universal Manufacturing Company.

Passed at Dover, April 18, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 382.

An Act to render valid the acknowledgment of a certain deed.

Passed at Dover, January 17, 1883.

CHAPTER 383.

An Act to enable William McKay to convey certain real estate.

Passed at Dover, January 19, 1883.

CHAPTER 384.

An Act to authorize Andrew J. Horsey to construct and build a tumbling dam at his mills in Little Creek hundred, Sussex county.

Passed at Dover, February 20, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 385.

An Act to divorce Louisa E. Gibbons from the bonds of matrimony with William G. Gibbons.

Passed at Dover, March 7, 1883.

CHAPTER 386.

An Act for the relief of the administrators of Martin E. Walker, deceased.

Passed at Dover, March 8, 1883.

CHAPTER 387.

An Act to dissolve the bonds of matrimony between William H. Vaughn and Martha A. Vaughn, his wife.

Passed at Dover, March 13, 1883.

CHAPTER 388.

An Act divorcing James Tatman and Catharine C., his wife, from the bonds of matrimony.

Passed at Dover, March 13, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 389.

An Act to amend an act entitled "An act for the relief of the heirs of James Price, deceased.

Passed at Dover, March 13, 1883.

CHAPTER 390.

An Act to render null and void the bonds of matrimony between Annie Gibbs and Thomas Gibbs.

Passed at Dover, March 15, 1883.

CHAPTER 391.

An Act to divorce Julia Mohlen and her husband, Charles F. Mohlen, from the bonds of matrimony.

Passed at Dover, March 16, 1883.

CHAPTER 392.

An Act to divorce Walter G. Hurlock from his wife Jemima Hurlock.

Passed at Dover, March 20, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 393.

An Act for the relief of Sadie Fowler.

Passed at Dover, March 20, 1883.

CHAPTER 394.

An Act to divorce William Parvis and his wife, Mary Ann, from the bonds of matrimony.

Passed at Dover, March 2, 1883.

CHAPTER 395.

An Act to divorce John C. Creadick and Louisa Creadick, his wife, from the bonds of matrimony.

Passed at Dover, March 22, 1883.

CHAPTER 396.

An Act to divorce Edwin H. Peckard from his wife Sarah E. Peckard.

Passed at Dover, March 23, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 397.

An Act to divorce Mary E. Johnson and her husband James Johnson from the bonds of matrimony.

Passed at Dover, March 23, 1883.

CHAPTER 398.

An Act divorcing Elijah M. Clymer from his wife Louisa Clymer.

Passed at Dover, March 23, 1883.

CHAPTER 399.

An Act to divorce Louisa Cummins and her husband William A. Cummins from the bonds of matrimony.

Passed at Dover, March 27, 1883.

CHAPTER 400.

An Act to change the name of Harry C. Adams to the name of Harry A. Johnson, and to make him by adoption a son and heir-at-law of Philip G. Johnson.

Passed at Dover, April 2, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 401.

An Act to change the name of Howard E. Montgomery to the name of Howard E. Cannon, and to make him by adoption the son and heir-at-law of George E. Cannon.

Passed at Dover, April 3, 1883.

CHAPTER 402.

An Act to change the name of Willie C. Breeding to the name of Willie C. Covill, and to make him by adoption a son and heir-at-law of Francis M. Covill.

Passed at Dover, April 3, 1883.

CHAPTER 403.

An act to divorce Seth O. Gibbons from his wife Lydia Gibbons.

Passed at Dover, April 4, 1883.

CHAPTER 404.

An Act to divorce Jackson E. Hastings and Justina Hastings from the bonds of matrimony.

Passed at Dover, April 6, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 405.

An Act to divorce Stephen T. Records from his wife Sarah E. Records.

Passed at Dover, April 6, 1883.

CHAPTER 406.

An Act to divorce Annie B. Eberle from her husband Edward F. Eberle.

Passed at Dover, April 6, 1883.

CHAPTER 407.

An Act to divorce William D. Reed and his wife, Mary C. Reed, from the bonds of matrimony.

Passed at Dover, April 6, 1883.

CHAPTER 408.

An Act to divorce Thomas E. Sharp and his wife, Martha P., from the bonds of matrimony.

Passed at Dover, April 9, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 409.

An act to enable Joseph Vaughn to survey and locate certain vacant land in Broad Creek and Little Creek hundreds, Sussex county, and complete his title thereto.

Passed at Dover, April 10, 1883.

CHAPTER 410.

An Act to divorce Sarah C. Evans and her husband, William A. Evans, from the bonds of matrimony.

Passed at Dover, April 13, 1883.

CHAPTER 411.

An Act to divorce John C. Wilson and Anna J., his wife, from the bonds of matrimony.

Passed at Dover, April 16, 1883.

CHAPTER 412.

An Act for the relief of Hannali Lizzie Danley.

Passed at Dover, April 16, 1883.

TITLES OF PRIVATE ACTS.

CHAPTER 413.

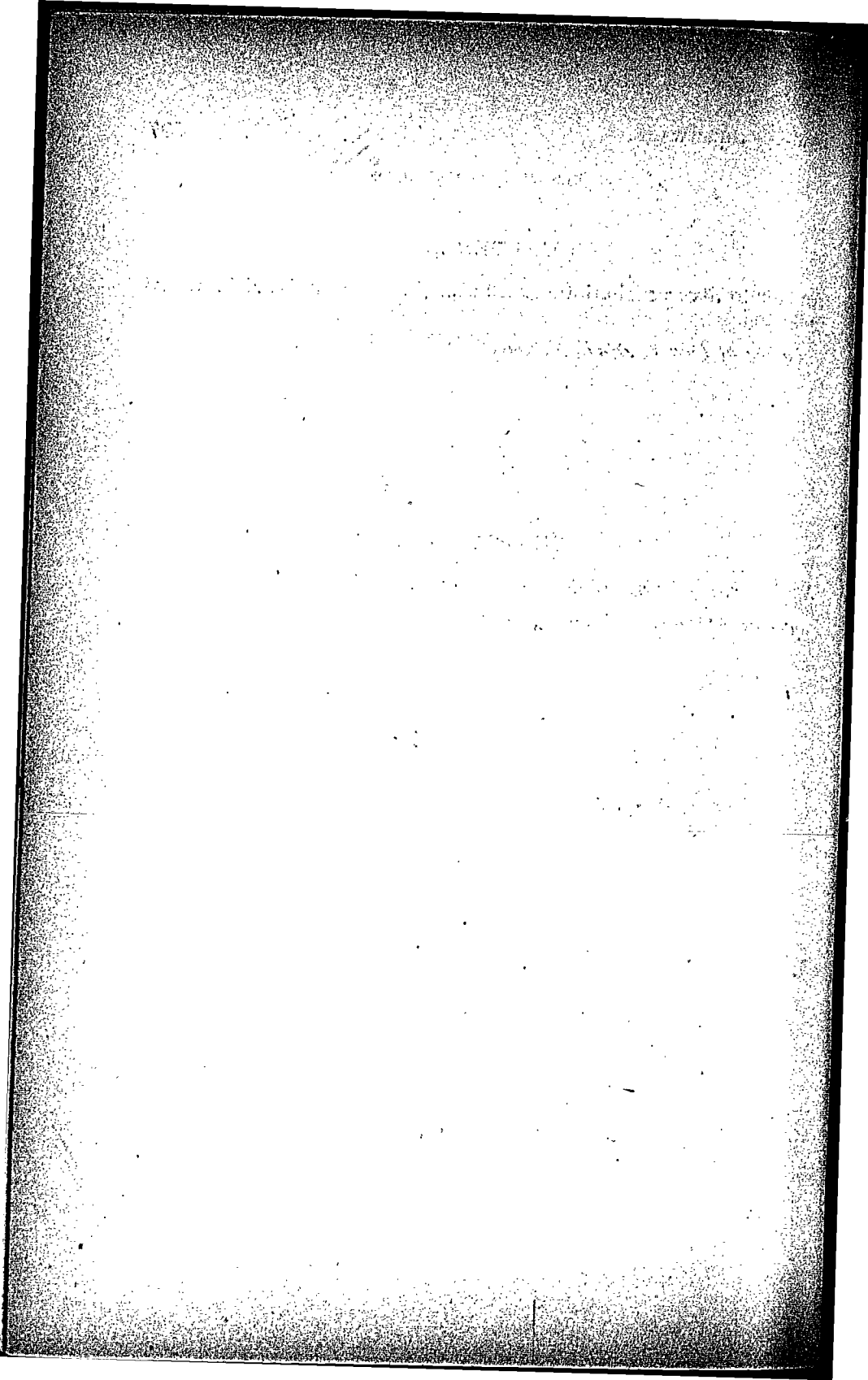
An Act to divorce Charlotte A. Burton from her husband John Lot Burton.

Passed at Dover, April 18, 1883.

CHAPTER 414.

An Act for the relief of Robert H. Jones.

Passed at Dover, April 19, 1883.



SECRETARY'S OFFICE,

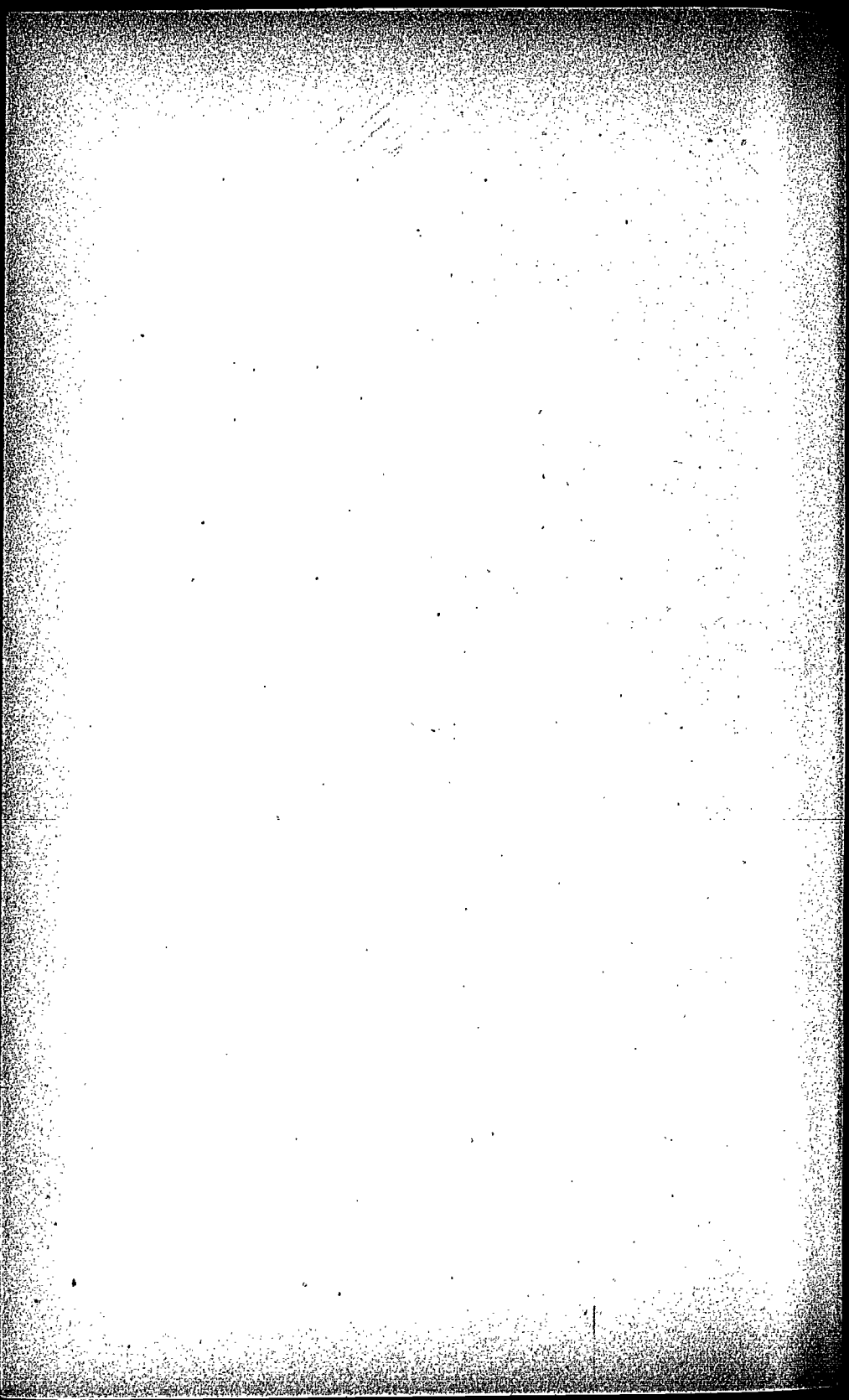
DOVER, July 26, 1883.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday, the second day of January, A. D. 1883.

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

WILLIAM F. CAUSEY,

Secretary of State.



SECRETARY'S OFFICE,

DOVER, July 26, 1883.

ERRATA.

The word "election" in 25th line of Section 23, Chapter 147, page 225, so enrolled.

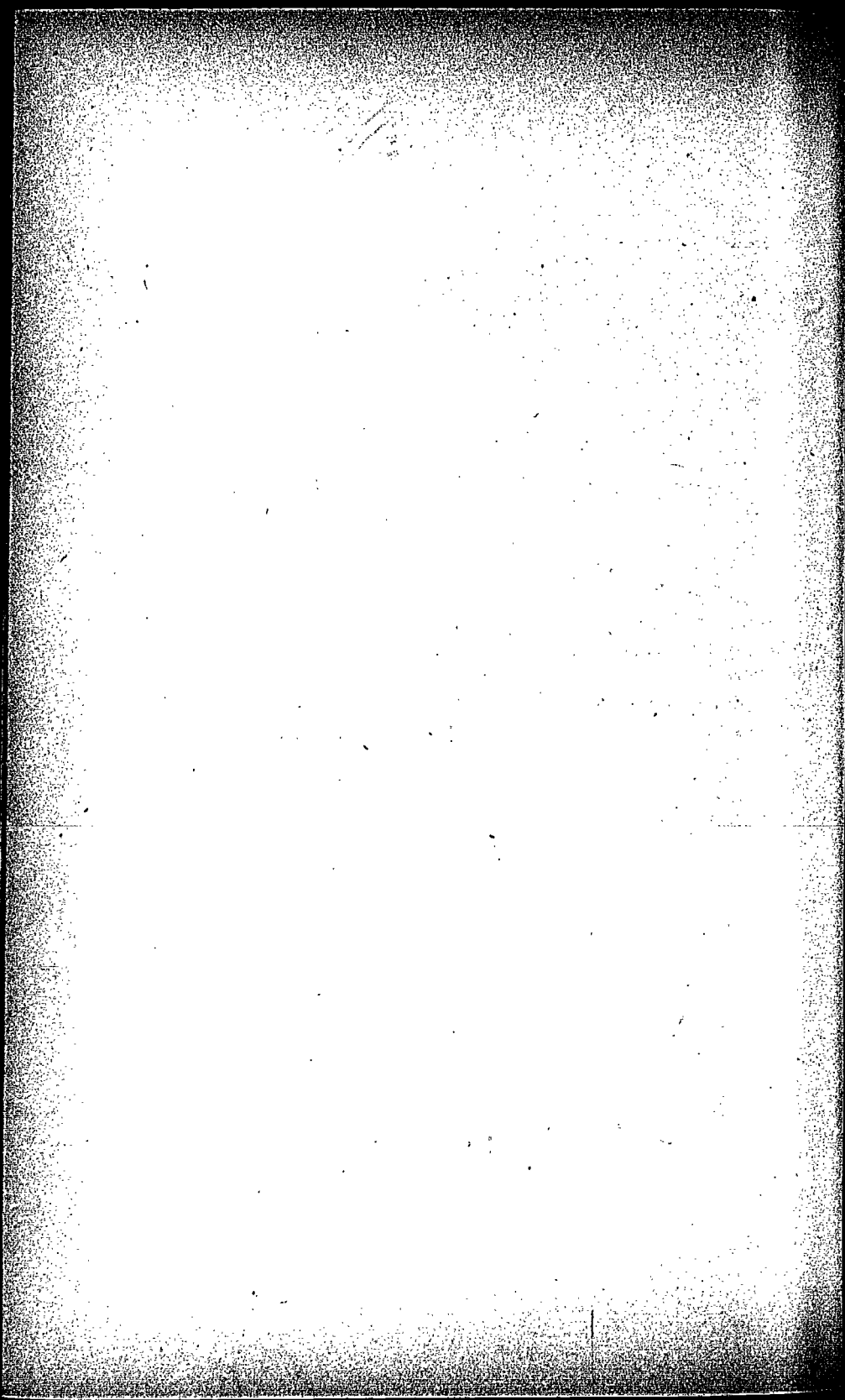
Chapter 236 omitted by mistake from proper title.

The word "Towns" in head lines on pages 136 and 137, should be "Taverns."

Date of passage of Chapter 209 should be 1883.

WILLIAM F. CAUSEY,

Secretary of State.



L A W S
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,
COMMENCED AND HELD AT DOVER,
ON TUESDAY, JANUARY 6th, A. D. 1885,

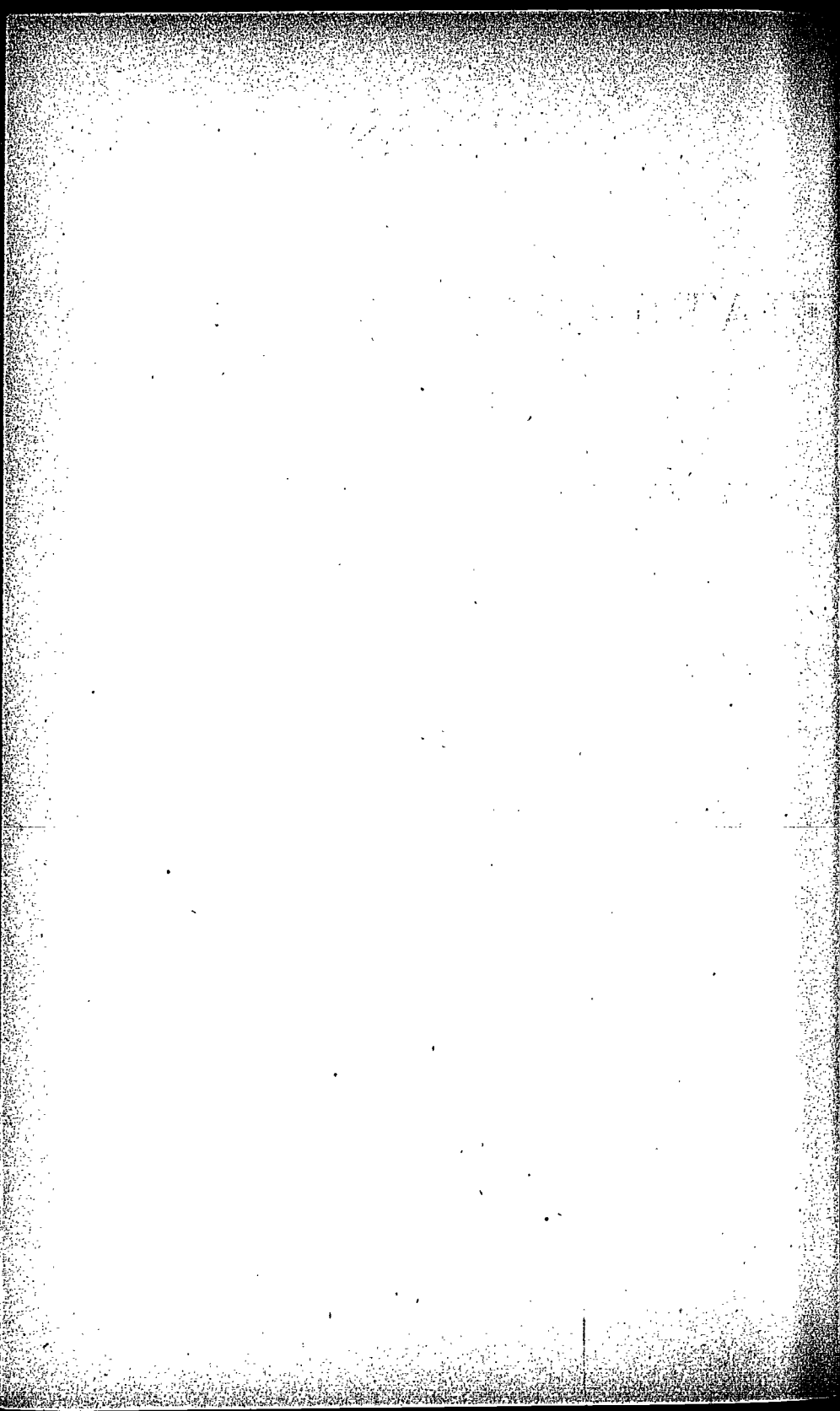
AND IN THE YEAR

OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND NINTH.

VOLUME XVII—PART II.

1885:

JAMES KIRK & SON, PRINTERS,
DOVER, DELAWARE.



LAWS OF DELAWARE.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 415.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to divide East Dover Hundred into Two Election Districts,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That for the purpose of holding elections for state and county officers in East Dover Hundred, the said hundred shall be divided into two election districts, by the following lines, viz: Beginning at the stream known as Moore's Mill Stream, in the road leading from Frederica to Dover, and running thence with the said road in a northerly direction to the town of Dover; thence up State street in the town of Dover out to Shakespeare's Mill Pond; thence up the westerly side of the said pond and up Fork Branch to the Delaware Railroad; thence in a northerly direction up said railroad to the dividing line between Little Creek Hundred and East Dover Hundred. All that part of said hundred east of said dividing line shall be one election district, called Election District No. 1, East Dover Hundred, and all that part west of the dividing line shall be called Election District No. 2, East Dover Hundred. The election for District No. 1 shall be held at the State House in the town of Dover, and the election for District No. 2 shall be held in the town

East Dover divided into two election districts,

Division Boundaries,

Election Districts Nos. 1 and 2

Elections, where held.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

of Dover at the Brick School House on Governors' Avenue, unless otherwise ordered by the Levy Court of Kent county.

SECTION 2. At the said places shall be held the general election, all special elections for the Members of the General Assembly and Representatives in Congress; elections for electors of President and Vice-President of the United States, and elections for Assessors of the said hundred and for Inspectors of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

Electors to
vote, where.

Election
laws to
apply to
elections in
said
districts.

Exception.

SECTION 3. All the laws of this State touching elections held in the several hundreds of the State shall apply to elections for the same officers in the said election districts, excepting only so far as the general law for the election of Assessors and Inspectors is qualified by the provisions hereinafter contained.

Presiding
officers,
when and
how
appointed.

SECTION 4. The Levy Court of Kent county, at its session in March, 1886, shall appoint some qualified voter of the district to be presiding officer of the District No. 1 at the next election thereafter to be held in said district, who shall have all the powers and perform all the duties of such officer according to law. In case he shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election according to the provisions of Section 10, Chapter 18, of the Revised Statutes. The Levy Court of Kent County shall at the time of the appointment make provision for the furnishing a list of voters of the said district to the person appointed as presiding officer aforesaid.

Levy Court
to furnish
list of
voters.

Presiding
officers to
assemble,
when and
where.

SECTION 5. The said presiding officer and judges of both election districts shall assemble on the day next succeeding said election, at 12 o'clock noon, at the place of voting in District No. 1 aforesaid, and ascertain the aggregate number of votes cast in both districts for Assessor, and shall make, sign and deliver certificates of election according to law. If two candidates for said office shall have the highest and equal number of votes then the presiding officer of District No. 1 shall give the casting vote, which shall elect the candidate for whom the vote was given.

Passed at Dover, April 10, 1885.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 416.

JURISDICTION.

AN ACT granting consent of the State of Delaware to the purchase by the United States of certain lands for the purpose of the erection of Government Buildings at Wilmington, and ceding jurisdiction over the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the consent of the State of Delaware is hereby given to the purchase by the United States of one or more pieces of land situated in the City of Wilmington, not exceeding three acres in quantity, on which to erect Government Public Buildings for the accommodation of the United States Courts, Post-Office and other government offices; and the said United States shall have, hold, use, occupy and own the said land or lands when purchased and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Consent of State for purchase by U. S. of certain lands in Wilmington for the erection of public buildings.
Title.
Jurisdiction of U. S. Restriction.

SECTION 2. That the jurisdiction of the State of Delaware in and over the said land or lands mentioned in the foregoing section when purchased by the United States shall be, and the same hereby is, ceded to the United States; but such jurisdiction shall continue no longer than the said United States shall own the said land or lands.

Cession to U. S.
Continuance

SECTION 3. That the said consent is given and the said jurisdiction ceded upon the express condition that the State of Delaware shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civic process in all cases and such criminal or other process as may issue under the laws or authority of the State of Delaware against any person or persons charged with crimes or misdemeanors committed within said State may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Conditional consent to jurisdiction.
Concurrent.
How construed.
Exception.

SECTION 4. That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to

When jurisdiction to vest in U. S.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Exemption
from
taxation, etc.

said land or lands by purchase or grant; and so long as the said land or lands shall remain the property of the said United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

SECTION 5. That this act shall take effect immediately.
Passed at Dover, April 10, 1885.

CHAPTER 417.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to revive and extend the Time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature or published as such) shall be recorded in the Recorder's Office, in one of the counties of this state, within twelve months after their passage, or they shall be void;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Time for
recording
private acts
extended.

SECTION 1. That all unpublished acts heretofore passed which have not by special acts been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force; and all acts and transactions done and performed under the provisions of said acts respectively shall

OF THE PASSING AND PUBLICATION OF LAWS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

Proviso.

Certified
copy
recorded.

SECTION 2. This act shall be deemed and taken to be a public act and published as such.

Passed at Dover, March 17, 1885.

TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 418.

OF THE REVENUE OF THE STATE.

AN ACT to provide for the Payment of a part of the Funded Debt of
this State.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met, as fol-
lows:*

Advertise-
ment by
State Treas-
urer.

Proposals.

Contents.

Guarantee.

Failure of
bidders to
comply.

Percentage
forfeited.

Endorse-
ment of bids.

SECTION 1. That the State Treasurer be and he is hereby authorized, directed and required to advertise, for the space of two weeks, in one daily newspaper published in each of the cities of New York and Philadelphia, and for the like period in four newspapers published in the State of Delaware, two whereof shall be in the city of Wilmington, preceding the fifteenth day of May, A. D. 1885, for bids or proposals for the whole amount of the loan by this act authorized. Each bid or proposal must be in writing, must state the bidder's full name and place of residence, and must be for the full amount of the loan; and every such bid must be accompanied by a certified check to the order of the State Treasurer for five per centum of the amount of the bid, which shall be retained and held as security for the compliance of the bidder with his undertaking in that behalf. In case the bidder to whom the loan shall be awarded fails or omits for the space of ten days after the date of such award to pay the State Treasurer the amount of his bid, the said percentage shall be absolutely forfeited to the State. All bids must be addressed to the State Treasurer, at Dover, Delaware, and must be endorsed on the envelope, "Proposal for Delaware State Loan." In the said advertisements the

OF THE REVENUE OF THE STATE.

amount of the loan, the rate of interest, the character and denomination of the bonds, and condition thereof as to payment of principal and interest, shall be substantially stated.

SECTION 2. That on the sixteenth day of May, A. D. 1885, the State Treasurer, Secretary of State and Auditor of Accounts shall meet in the office of the Secretary of State, in the town of Dover, at 11 o'clock a. m., and shall constitute a commission to open the said bids or proposals, and to award the said loan to the highest bidder whose proposal shall conform to the requirements of Section 1. No bid less than the par value of the bonds shall be accepted. After the said loan shall have been awarded the certified checks accompanying the proposals of unsuccessful bidders shall be forthwith returned to them by the State Treasurer, and the check of the successful bidder shall be immediately deposited in the Farmers' Bank, at Dover, to the credit of the State Treasurer, and shall, if such bidder pays within ten days thereafter the residue of the whole amount bid by him, constitute part payment on his bid, or otherwise shall be absolutely forfeited to the State; *provided*, that a rebate at the rate of four per centum per annum shall be allowed to such successful bidder on the amount of his deposit from the date of the award to the first day of June, A. D. 1885, and also a like rebate on the balance of his bid from the date of its payment to the State Treasurer until the said first day of June, A. D. 1885, (when interest shall commence to accrue on the bonds) which said allowance shall be made by way of abatement from the amount of his bid. It shall be the duty of the said commission to make an accurate record of each of the several proposals opened by them, showing the name of the bidder, his place of residence, the amount of the bid and the amount of the certified check accompanying the same, and the said record shall likewise show the award of the said loan. This record shall be filed in the office of the Secretary of State and shall be subject to inspection at any time.

Bids, when
and by
whom
opened.

Award.

Return of
deposit.

Check of
successful
bidder to be
cashed.

Proviso.
Rebate of
interest.

Record to
be kept.

Where filed.

SECTION 3. Immediately after the award of the said loan by the said commission, as hereinbefore provided, it shall be and it is hereby made the duty of the said State Treasurer forthwith to cause to be prepared one hundred and twenty bonds of the State of Delaware, of the denomination of one thousand dollars each, with coupons or interest warrants thereto attached for each half year's interest thereon. The

Preparation
of State
Bonds by
State Treas-
urer.

Denomina-
tion and
character of
bonds.

OF THE REVENUE OF THE STATE.

said bonds shall be numbered from 1 to 120 inclusive, shall be dated on the first day of June, A. D. 1885, shall bear interest from and after that date at the rate of four per centum per annum, payable semi-annually on the first days of June and December in each and every year while they remain unpaid, at the Philadelphia National Bank, in the city of Philadelphia, on presentation of the coupon representing such semi-annual interest. The principal of the said bonds shall be payable on the first day of June, A. D. 1905, at the Philadelphia National Bank, in the city of Philadelphia, on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of December or first day of June after the first day of June, A. D. 1895, upon thirty days notice published in one newspaper in the City of Philadelphia, and in one newspaper in the State of Delaware, by the State Treasurer indicating by their numbers the bonds thereby called and elected to be redeemed; *provided*, that in any call or calls so to be made by the State Treasurer the bonds lowest in number shall be first called.

SECTION 4. The said bonds shall be in the following form, to wit:

Form of
Bonds.

"UNITED STATES OF AMERICA,
STATE OF DELAWARE.

No. —

LOAN OF 1885.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars, lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at "The Philadelphia National Bank," in the City of Philadelphia, on the first day of June, A. D. 1905, with interest at the rate of four per centum per annum, likewise payable at the said "The Philadelphia National Bank," on the first days of June and December in each and every year whilst the said principal sum remains unpaid, upon presentation of the coupon hereto annexed representing such semi-annual installment of interest; *provided however*, and it is expressly stipulated that the said State reserves the right and power, at its option, to call in, pay and redeem this bond on any first day of June or December in any year after the first day of June, A. D. 1895, pursuant to the notice prescribed by the act of Assembly under authority of which this bond is issued. *And provided further*, that when this bond shall be called by the notice

OF THE REVENUE OF THE STATE.

aforesaid interest thereon shall cease to accrue from and after the first day of June or December (as the case may be) next succeeding the date of such notice.

Dated at Dover, the first day of June, A. D. 1885.

Witness the Great Seal of the said State, and the hands of the Governor, Secretary of State, and State Treasurer, the day and year aforesaid.

{ GREAT SEAL. }	_____	_____	Governor.
	_____	_____	Secretary of State.
	_____	_____	State Treasurer."

And the coupons shall be in the following form, to wit:

"The State of Delaware will pay to bearer, at The Philadelphia National Bank, in the City of Philadelphia, on the first day of _____ A. D., _____, the sum of twenty dollars, for six months' interest on Bond No.—, loan of 1885, dated June 1, 1885. _____, State Treasurer."

Form of coupons.

The signature of the State Treasurer may be engraved or printed on each coupon. The said bonds shall be signed by the Governor, Secretary of State and State Treasurer, and shall have the Great Seal affixed to each of them. After they shall have been signed by the Governor and Secretary of State, and the Great Seal shall have been thereon impressed, they shall be delivered to the State Treasurer by the said Secretary of State, who shall take from the State Treasurer a receipt for the same, and shall file said receipt in his office. When the said bonds are delivered by the State Treasurer to the successful bidder he shall also take from such bidder a receipt for the same and file said receipt in the office of the Secretary of State. It shall be the duty of the State Treasurer to provide a record of proper size and proportions to be retained in his office, so ruled as to afford a separate space for each coupon, and a space at the top of each page of said record for each bond, when paid or deemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is intended to be therein preserved. As the said coupons are paid it shall be the duty of the State Treasurer to mark the same across the face "paid" in red ink, cut each of them in two pieces lengthwise and paste the pieces in the appropriate

How signed and executed.

Delivery to State Treasurer.

Record of Secretary of State.

Record of State Treasurer.

Cancelling of coupons.

OF THE REVENUE OF THE STATE.

Bonds, how
and when
cancelled.

space for such coupon in the record aforesaid; and as the said bonds shall be paid or redeemed the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following words:

"This Bond paid (or redeemed, as the case may be) this _____ day of _____ A. D., _____, by the payment of the sum of \$1000 principal, and _____ dollars interest, represented by coupon No. _____, by _____ State Treasurer."

And all coupons unmaturred and surrendered with the bond shall each likewise be endorsed, "Cancelled by the redemption of Bond No. _____," in red ink.

Pasting of
cancelled
words and
coupons in
proper book.

When paid or redeemed the said bonds shall be pasted in the appropriate space in the record aforesaid; and all coupons paid, surrendered or removed shall likewise be pasted in their appropriate space in such record.

Upon fail-
ure of State
Treasurer to
receive bids,
or non-com-
pliance of
bidder to
pay balance.

To re-ad-
vertise as
before indi-
cated.

Opening of
proposals,
when and
where.

Proviso.

SECTION 5. In case no bid or proposal, at or above par, shall be received, together with bidders certified check, pursuant to the advertisement authorized to be made by Section 1 of this act; or in case any bidder to whom the said loan shall be awarded pursuant to such advertisement shall fail to comply with his undertaking by paying the balance of his bid within ten days after the date of such award, it shall be and is hereby made the duty of the State Treasurer again to advertise in the same newspapers indicated by Section 1 of this act, for the space of thirty days prior to the 14th day of November, A. D. 1885, for other bids or proposals for the whole amount of said loan, which said bids or proposals shall in all respects conform to the requirements in that behalf of Section 1 of this act; and on the sixteenth day of November, A. D. 1885, at 11 o'clock a. m., the commission constituted by Section 2 of this act shall meet at the office of the Secretary of State, in the town of Dover, and open the said bids, award the said loan, and make record of their proceedings in all respects as required by Section 2 of this act. *Provided however*, that if no award shall have been made of the loan pursuant to the first advertisement, the said bonds shall be dated the first day of December, A. D. 1885, shall bear interest from that date, and the principal thereof shall be payable on the first day of December, A. D. 1905, and

OF THE REVENUE OF THE STATE.

may be redeemed at the option of the State on any first day of June or December in any year after the first day of December, A. D. 1895, and the dates prescribed in the form specified in Section 4 of this act shall be altered accordingly. But if the award pursuant to such second advertisement be of bonds prepared theretofore in accordance with a previous bid which had been accepted and the bidder had defaulted, the State Treasurer shall remove from each of such bonds the coupon representing the interest maturing on the first day of December, A. D. 1885, and shall endorse upon said coupons "Cancelled prior to the delivery of the bond."

Provisions
for issuing
bonds
previously
prepared.
Removal of
coupon for
December
1st, 1885.

SECTION 6. As soon as the award of the said loan shall have been made by the said commission, the State Treasurer shall cause notice in writing to be served upon the successful bidder of the fact, and also notifying him that the balance of his bid will be required to be paid to said State Treasurer at his office in the town of Dover, within ten days from the date of said award, or that his cash deposit will be forfeited to the State.

Notice to
successful
bidders of
award.
When
served.

SECTION 7. That if two or more persons shall bid the same amount for the said loan, the said commission shall have power and authority to award the whole loan to any one of them.

In case of
like bids
how
awarded.

SECTION 8. That all the moneys received by the State Treasurer from the sale of the bonds by this act authorized shall be and they are hereby specially pledged and appropriated to the payment of the present bonded debt of this State; and so much thereof as shall be necessary shall be appropriated and applied to the payment and extinguishment of Series A of the bonds of this State authorized by the act of the General Assembly of March 16, 1881.

Application
of moneys
received
under the
act.

SECTION 9. That the public faith is hereby expressly pledged to the full and complete payment of the principal and interest of the bonds by this act authorized, and the said bonds shall be exempt from taxation for any purpose by this State.

Public faith
pledged.

Bonds
exempt from
taxation.

SECTION 10. The State Treasurer is hereby authorized to cause all the blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled in conformity to the provisions of this act; and all expenses of

Filling out
bonds.

Expenses,
how paid.

OF THE REVENUE OF THE STATE.

advertising, preparing the bonds, or other matters connected with issuing and delivering the same shall be allowed to and paid by him out of any unappropriated money in the treasury, he producing and exhibiting the necessary vouchers therefor as by law required with reference to other disbursements of the public funds.

Notice by
State Treas-
urer of
redemption
of certain
bonds.

SECTION 11. That when and as soon as the State Treasurer shall have received the whole moneys from the sale of the bonds by this act authorized, he shall forthwith give notice in accordance with the requirements of Section 4 of the act entitled "An Act to provide for the refunding of the present bonded debt of this State at a lower rate of interest," passed at Dover, March 16, 1881, that the State elects to redeem the whole number of bonds of "Series A" of the loan authorized by said last intioned act which now remain unredeemed; and that the same will be redeemed on presentation at "The Philadelphia National Bank," in the City of Philadelphia, on and after the first day of July, A. D. 1885, or the first day of January, A. D. 1886, (as the case may be) and that the interest thereon will cease from and after the date fixed by the notice.

When State
Treasurer
authorized
to borrow.

SECTION 12. In case the loan authorized by this act shall fail of consummation for any cause, the State Treasurer is hereby expressly authorized, directed and empowered to borrow, in the month of June, A. D. 1886, on the faith and credit of the State, so much money as may be necessary to pay the bonds of "Series A" aforesaid of the loan of 1881, then outstanding and unredeemed, at any rate of interest not exceeding six per centum per annum; and the faith and credit of the State are hereby pledged for the full and complete payment of any moneys which may be borrowed under authority of this section, principal and interest. The State Treasurer shall make a full report of the moneys so borrowed by him to the General Assembly at its next session, and within three days after its organization, to the end that proper legislation may be enacted providing for the repayment of the moneys borrowed.

Report of
moneys
borrowed.

Compensa-
tion of Com-
missioners.

SECTION 13. The Secretary of State, State Treasurer and Auditor of Accounts shall respectively receive such compensation for the services to be performed by them under this act as shall be allowed by the Legislative Committee at its session in January, A. D. 1886, and said committee is hereby

OF THE REVENUE OF THE STATE.

expressly authorized to make such allowances and to draw drafts on the Treasurer accordingly.

Passed at Dover, April 8, 1885.

CHAPTER 419.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 13, Volume 14, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section one, Chapter thirteenth, Volume fourteenth, Laws of Delaware, be and the same is hereby amended by striking out the word "May," in the sixth and seventh lines of said section, and substituting the word "April" in lieu thereof. Chapter 13
Vol. 14
amended.

Passed at Dover, April 1, 1885.

CHAPTER 420.

OF THE REVENUE OF THE STATE.

AN ACT in relation to the Tonging of Oysters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall not be lawful for any person or persons to catch by means of dredges, tongs, or otherwise take any oysters within the following limits in Delaware Bay: Beginning at the mouth of Leipsic Creek and running in an easterly course to a spar buoy on Goose Point Bar; thence in a Unlawful to
dredge, &c.,
for oysters
in certain
limits.

OF THE REVENUE OF THE STATE.

northwesterly course to the Black Can Buoy, No. 15, off the point of the bar at Bombay Hook; thence a westerly course to the beach, except as is hereinafter provided.

Privileges
of bona fide
residents of
the State.

Planting
and catching
oysters.

Extent of
the plant.

Marked by
stakes.

Application,
to whom.

License fee.

License for
one year.
Renewed,
when.
Proviso.

Non-resi-
dents shall
not dredge
for oysters.

Penalty.
Forfeiture.

Exception.

SECTION 2. Any person or persons who are *bona fide* residents of the State of Delaware may, for the purpose of planting oysters and catching the same by means of dredges, tongs, or rakes, appropriate to his or their own use a part of the bottom of the bay within the limits defined in Section 1 of this act, which shall not exceed in area more than five acres in any one place, unless the same be then appropriated by authority of this act or by its sanction, which part shall be designated by him by stakes to show at least two feet above high water and not be obstructive to navigation. It shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be his or their private property; but before any person shall avail himself of this privilege he shall apply in writing to the Collector of the Oyster Revenue for a license for that purpose, and shall pay to the said Collector, as the fee or price therefor, for the privilege of dredging or tonging said oysters, the sum of five dollars for each and every boat and pair of tongs used on said boat, and the said tongs shall have painted on them a number corresponding with said boat's number, and also the sum of fifty cents per acre for each and every acre to be by him or them staked off for the purpose aforesaid. The said license shall last only one year, and must be renewed by the first day of April of each year, and the like sum be paid at the time of each renewal. *Provided*, that the privilege granted by this and the first section shall not embrace any portion of the bottom within said limits as defined in Section 1 which is a natural oyster bed, nor shall it be extended beyond the mere right to plant oysters and hold them as property.

SECTION 3. No person who is not at the time a resident and inhabitant of this State, and a regularly licensed planter under this act, shall dredge for oysters or otherwise take the same up from any of the public oyster beds of this State within the limit defined by Section 1 of this act, under a penalty of one hundred dollars for each day's offense and forfeiture of the boat or vessel used by him in so doing, and all and everything in and belonging to her, unless he shall previously have taken out a license for that purpose; nor shall any person dredge for or otherwise take up any oysters

OF THE REVENUE OF THE STATE.

from the plantation of a planter under this act, under a like penalty; *provided*, that the provisions of this act in relation to dredging upon the public oyster beds of this State shall not apply to those who now have licenses for that purpose under and by virtue of the laws now existing in regard to the same. Proviso.

SECTION 4. The different beds shall be treated as numbered in the order in which licenses to plant, tong and dredge are issued under this act, and the boats or vessels used in the business of planting, dredging or tonging of said oysters shall wear their number painted on the side of said boat above the water line, in black, at least six inches in length and upon a white ground work at least twelve inches long and eight inches wide. The said license obtained under this act may at any time be demanded by the Collector or any one ordered by him to demand the same, and failure to produce it shall be evidence that it does not exist. Boats numbered, in what manner.
License may be demanded, by whom.

SECTION 5. That at the time application is made to the said Collector for a license for the purpose aforesaid, the said applicant shall file with his application an affidavit stating the number of boats and vessels to be used by him, with the names of the same and the owners thereof, with the tonnage of said boat or vessel, a record of which shall be kept by the Collector aforesaid; *provided however*, that no boat or vessel of the burden of more than eight tons, custom-house measurement, shall be licensed by the Collector for the purpose of dredging, planting and tonging within the limits prescribed by Section 1 of this act; *and provided further*, that after the expiration of the licenses heretofore issued by the Collector for the purpose of dredging upon the public oyster beds of the State, no license shall be issued by the said Collector granting authority to dredge upon the public oyster beds within the limits prescribed by Section 1 of this act except to those who have been licensed by him under and by virtue of this act; *provided however*, that the licenses issued by the Collector aforesaid shall confer no authority to dredge upon the natural oyster beds within the limits prescribed by Section 1 of this act; and any one so dredging shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay the sum of fifty dollars for each and every offense, and upon failure to pay the cost and fine imposed by the Justice of the Peace before whom the parties offending shall be taken, the said Justice shall commit him to the cus- Affidavit by applicant. Contents.
Proviso.
When license shall not issue.
No authority to dredge upon natural oyster beds.
Penalty.
Justice of the Peace may commit

OF THE REVENUE OF THE STATE.

tody of the Sheriff of Kent county, to be by him kept until said fine and cost is paid; and jurisdiction is hereby conferred upon the Justices of the Peace of Kent county to hear and determine all violations under this section.

Any one
wilfully re-
moving
stakes
planted,
guilty of
trespass.

Fine, how
recovered.

SECTION 6. That if any person shall wilfully remove any stake or stakes planted by any owner or owners of any bed staked out by him or them under the provisions of Section 2 of this act to designate such bed or beds, he shall be deemed guilty of a trespass, and upon conviction thereof shall be fined not less than ten nor more than twenty dollars by any Justice of the Peace in and for Kent county before whom they may be taken, jurisdiction being conferred upon the said Justices of the Peace in and for Kent county, and upon failure to pay the fine and cost imposed by the Justice before whom he shall be convicted the said Justice of the Peace shall commit him to the custody of the Sheriff of Kent county, to be by him held until such fines and cost are paid.

When un-
lawful to
catch
oysters.

Fine.

SECTION 7. It shall be unlawful for any person to take or catch oysters by means of dredges, or any manner whatsoever, upon Sunday, or in the night time, and the person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding ten dollars.

Unlawful to
catch
oysters
without
license.

SECTION 8. That from and after the passage of this act it shall be unlawful for any person or persons to catch or take oysters, by means of tongs or otherwise, in the Delaware Bay or any of its tributaries, without first having received a license therefor from the said Collector, the fee for which shall be the same as that prescribed in Section 2 of this act.

Trespasser
deemed
guilty of
larceny.

SECTION 9. If any person or persons shall catch; take or convey away from the plantation of another or others any oysters being within the limits thereof, without consent of the owner or owners of the plantation, he shall be deemed guilty of larceny and be punished accordingly, and it shall be no objection to a prosecution that it was done openly.

Duty of
Governor.

SECTION 10. The Governor shall cause the necessary license under this act to be prepared and supplied to the Collector aforesaid, to be by him dispensed when called for under this act.

Jurisdiction
of Justices of
the Peace.

SECTION 11. The Justices of the Peace in and for the County of Kent are clothed with jurisdiction to hear and

OF THE REVENUE OF THE STATE.

determine all cases of violation of this act, and the method and manner of procedure shall be the same as that prescribed in Chapter 13, Volume 14, Laws of Delaware, and the manner of procedure after conviction shall be the same as is prescribed in said chapter as to fines and imprisonment and forfeitures and sale of vessels upon conviction of a trespass.

SECTION 12. The revenue obtained from the issuing of licenses under this act shall be applied in the same manner as the revenue obtained from the laws relating to the oyster revenue, and the commission allowed the Collector under the laws now in force shall be likewise allowed to the said Collector under this act. Application of Revenue. Collector's commissions.

SECTION 13. Nothing herein contained shall be so construed as to prevent or prohibit any citizen from catching or taking oysters by any means whatsoever for his private use from the public oyster beds of Delaware Bay, its creeks or tributaries. Catching for private use not prohibited.

SECTION 14. That Jones, Mispillion and Murderkill creeks be exempt from the operations of this act. Exemption.

Passed at Dover, April 2, 1885.

CHAPTER 421.

OF THE REVENUE OF THE STATE.

AN ACT providing for the Commutation by "The Wilmington and Northern Railroad Company" of Taxes provided for by the act entitled "An act Taxing Railroad and Canal Companies in this State," passed at Dover, April 8th, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That if the said "The Wilmington and Northern Railroad Company" shall, within thirty days after the passage of this act, pay to the State Treasurer, for the use of the State, the sum of twelve hundred and fifty dollars Commutation of taxes. Amounts and when payable.

OF THE REVENUE OF THE STATE.

Accepted
and received
in lieu of all
taxes due
and collect-
able.

in commutation of all taxes collectable from said corporation under the provisions of the act entitled "An act taxing Railroad and Canal Companies in this State," passed at Dover, April 8th, 1869, and shall likewise pay unto the said State Treasurer, for the use of the State, the annual sum of two hundred and fifty dollars by equal quarterly payments; on the first days of July, October, January and April in each year, the first payment to be made on the first day of July A. D. 1885, and to embrace two quarterly installments which would be then due on account of the six months of the year 1885 which will then have elapsed, such payments shall be accepted and received in commutation and payment of the taxes which would otherwise be due and collectable under the provisions of the act aforesaid until it shall be otherwise by law directed in that behalf.

Effect of
this act.

SECTION 2. That this act shall not in anywise abrogate, repeal or alter the provisions of the act mentioned in Section 1 of this act, but shall only operate to suspend the same so long as such quarterly payments shall be regularly made, or until it shall be otherwise directed by law; *and further*, that nothing herein contained shall be construed to be a contract exempting or relieving the said corporation from any tax or taxes which may be hereafter imposed by law.

No exemp-
tion from fu-
ture taxa-
tion.

Passed at Dover, April 9, 1885.

CHAPTER 422.

OF THE REVENUE OF THE STATE.

AN ACT providing for the Commutation by "The Delaware, Maryland and Virginia Railroad Company" of Taxes provided for by the acts entitled "An act to raise revenue for this State," passed at Dover, August 11, 1864, and also by the act entitled "An act taxing Railroad and Canal Companies in this State," passed at Dover, April 8, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Commuta-
tion of taxes.

SECTION 1. That if "The Delaware, Maryland and Virginia Railroad Company" shall, within thirty days after the

OF THE REVENUE OF THE STATE.

passage of this act, pay to the State Treasurer, for the use of State, the sum of three thousand dollars (\$3000), in commutation of all taxes under the provisions of the acts entitled "An act to raise revenue for this State," passed at Dover, August 11, 1864, and "An act taxing Railroad and Canal Companies in this State," passed at Dover, April 8th, 1869, accruing up to the first day of January, A. D. 1885, against "The Junction and Breakwater Railroad Company," "The Breakwater and Frankford Railroad Company," or the said "The Delaware, Maryland and Virginia Railroad Company," and shall likewise pay unto the said Treasurer, for the use of the State, the annual sum of four hundred and fifty dollars (\$450), by equal quarterly installments, on the first day of July, October, January and April, in each year, the first of such payments to be made on the first day of July, A. D. 1885, for two quarters of the year A. D. 1885, which will then have elapsed, and which will then amount to the sum of two hundred and twenty-five dollars (\$225), such payments shall be accepted and received in commutation and payment of the taxes which would be otherwise collectable from the said companies respectively under the provisions of the two several acts aforesaid until it shall be otherwise directed by law on that behalf.

Amounts
and when
payable.

Accepted
and received
in lieu of all
taxes due
and collect-
able.

SECTION 2. That this act shall not in anywise abrogate, repeal or alter the provisions of either of the acts mentioned and referred to in Section 1 of this act, but shall only operate to suspend the execution and enforcement of the said several acts so long as such quarterly payments shall be regularly and promptly made, or until it shall be otherwise provided by law; and further, that nothing herein contained shall be construed to be a contract exempting or relieving the said corporation from any tax or taxes which may be hereafter imposed by law.

Effect of
this act.

No exemp-
tion from
future tax-
ation.

Passed at Dover, April 9, 1885.

OF THE REVENUE OF THE STATE.

CHAPTER 423.

OF THE REVENUE OF THE STATE.

AN ACT to amend an act entitled "An act to raise revenue and provide for the current expenses of the State Government," being Chapter 117 of Volume 13 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1
Chapter 117
Vol. 13
amended.

SECTION 1. That Chapter one hundred and seventeen of Volume thirteenth of the Laws of Delaware be and the same is hereby amended in the manner following: Insert in Section 1 of the said Chapter, in line 6 thereof, between the words "agency" and "vending," the words "foreign insurance agency other than life or fire."

Section 3
amended.

SECTION 2. Insert in Section 3 of the said Chapter, in line 23 thereof, between the words "oaths" and "for", the words, "for each license as a foreign insurance agent other than fire or life, the sum of fifty dollars; and such agent shall also pay to the Clerk of the Peace, for the use of the State, at the time of obtaining such license in each year, two and one-half per centum on the gross amount of premiums received and assessments collected by such agents during the year immediately next preceding the date of obtaining such license in each year; and such agent shall, at the same time, furnish to the said Clerk of the Peace a statement showing the gross amount of premiums received and assessments collected, and shall verify such statement by his oath or affirmation duly administered by some person authorized by the laws of this State to administer oaths; *provided, however,* that if a license as life insurance agent, or as fire insurance agent, shall have been obtained, no additional license shall be required for insurance other than life or fire."

Fees for
license \$50.

Also two
and one-half
per cent. on
gross
amount of
premiums.
Statement to
be furnished
by agent.

Verified by
oath.

Proviso.

Additional
section to
be published
as Section 12
of said
Chapter 117.

SECTION 3. *Be it enacted as an additional Section of the said Chapter, which shall in any future publication of the Laws be printed as Section 12 of said Chapter, as follows:* That every person or persons, association of individuals or corporation, who; not being incorporated by this State, shall be engaged in, pursue, or follow the business or occupation

OF THE REVENUE OF THE STATE.

of an insurance, or guarantee, or casualty company, and who shall collect from any citizen or resident of this State any premium, interest, or assessment upon any insurance or guarantee policy or certificate, or other instrument of like character, issued upon person or property located within this State, shall pay annually for the use of this State, to the Clerk of the Peace of one of the counties of this State, a tax of two and one-half per centum upon the total amount of all such collections which have been made within the year, whether upon policies issued during the year, or issued previously thereto by any such person, association, or corporation, and upon which a tax of two and one-half per centum has not previously been paid to the Clerk of the Peace of one of the counties of this State by an agent, or agents of such person, association, or corporation under section third of the act of which this is an amendment; and every such person, association, or corporation shall annually transmit to the Insurance Commissioner of this State, a statement, verified by the oath or affirmation of the president or vice-president and secretary or manager, setting forth the total amount of all such collections made since the thirty-first day of December in the year eighteen hundred and eighty-four, and in each year thereafter, together with a duplicate receipt from the Clerk of the Peace to whom payment has been made under this section for each payment so made. If any such person, association, or corporation, shall neglect or refuse to comply with the requirements of this section, such offending person, association, or corporation, shall not be granted by the said Insurance Commissioner a certificate of authority to transact business within this State, and the fact that such person, association, or corporation, is without legal authority to transact business within this State, and the reason thereof, shall be published by the said Insurance Commissioner in at least three public newspapers of this State.

Agent to
pay two and
one-half per
cent. on
total amount
of collection.

Annual
statement,
how verified
Contents.

Duplicate
receipt for
payments.
Failure to
comply with
this act.

Penalty.

Public
Notice.

Passed at Dover, April 10, 1885.

OF THE REVENUE OF THE STATE.

CHAPTER 424.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 12, Volume 17, Laws of Delaware, passed at Dover, March 30, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sec. 1, Chap
12, Vol. 17,
amended.

SECTION 1. That Section 1, Chapter 12, Volume 17, of the Laws of Delaware, be and the same is hereby amended by striking out the words "April thirtieth and June thirtieth," in the fifth line, and inserting in lieu thereof the words "April, May and June."

Passed at Dover, March 24, 1885.

CHAPTER 425.

OF THE REVENUE OF THE STATE.

AN ACT to amend Section one (1), of Chapter 308, of Volume sixteen (16), of the Laws of Delaware, entitled "An act to exempt from taxation certain Real Estate in the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 308,
Volume 16,
amended.

SECTION 1. That Section one, (1) of Chapter 308, of Volume sixteen (16), Laws of Delaware, be and the same is hereby amended by inserting after the word "easterly" and before the word "to," in the thirty-second (32) line of Section one (1) of said chapter, the following words: "One thousand feet; thence at right angles with the said side of Commerce street northerly."

Passed at Dover, January 11, 1885.

OF THE LEVY COURT.

CHAPTER 426.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court Commissioners of New Castle County to make an appropriation for the purpose of repairing a break in the bank along the Delaware Bay, and other purposes, in Blackbird Hundred.

WHEREAS on or about the twentieth day of September, 1883, in consequence of a storm and heavy force of water, the bank on the shore of the Delaware Bay was broken and otherwise damaged; and

Preamble.

WHEREAS the waters of the said Delaware Bay now flow through the breaches in said bank and submerge one of the public roads of New Castle county to such an extent as to render the same impassable; and whereas there are certain causeways in connection with the said road, which causeways are now required to be maintained and kept up by the Levy Court of the county aforesaid; and whereas to raise said road and causeways above the level of the water of said bay, by which the said road and causeways are now submerged and rendered impassable would incur an expense of several thousand dollars to New Castle county; and whereas the road and causeways so submerged and rendered impassable are very important to a large section of agricultural country, and in consequence of which it will be absolutely essential to the interest of the said county to rebuild and make the said causeways in good and passable condition; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of New Castle county be and is hereby required, within sixty (60) days from the passage of this act, to appoint a committee of three members of said Levy Court, one of whom shall be the member from Blackbird Hundred, and the said committee shall immediately go upon and view the said causeways and road so submerged and the bank along the bay, and to make a careful estimate of the cost or expense of repairing and rebuilding the said causeways, and also to make a like estimate of the cost or expense of repairing the breaks and breaches in the bank along the bay, and to make a written

Levy Court
to appoint
committee.

Duty of
committee.

OF THE LEVY COURT.

Report, to whom made. report of the result of their examination to the Levy Court of the county aforesaid at its present or next session.

When Levy Court may make appropriation. SECTION 2. If it shall appear from the report of the committee appointed as aforesaid that the cost of repairing, rebuilding and raising said causeways and road to a sufficient height above the level of the water by which they are now submerged and overflowed to render the same passable and of permanent utility will be greater and more expensive than to repair the said bank by which the said causeways and road have heretofore been protected, and by which the same would be protected in the future, then the said Levy Court of New Castle County may and are hereby empowered to appropriate such a sum of money as may be sufficient to repair, rebuild and place the said bank in good and proper condition; *provided*, that such cost or expense shall not exceed two thousand dollars.

Not to exceed \$2,000.

Advertisement for proposals. SECTION 3. If the Levy Court shall make an appropriation in accordance with the provisions of Section 2 of this act, the committee as provided and required to be appointed by Section 1 of this act shall advertise in two newspapers of this state, one of which shall be the *Middletown Transcript*, for two weeks, for sealed proposals to repair and rebuild the said bank. All proposals received by said committee shall be opened by them, and they shall, within thirty days after having been appointed, award the contract for repairing and rebuilding as aforesaid to the lowest and best bidder or bidders, *provided* said bidder or bidders shall enter into a bond with good and sufficient sureties to the satisfaction of the said committee for the faithful performance of the work; and in the event of any such bidder failing to give bond as aforesaid the said committee shall award such contract to the next lowest bidder who shall give bond as required by this act.

Award.

Sureties for performance.

Payment by orders on Treasurer of New Castle county. SECTION 4. Whenever the work of repairing and rebuilding said bank shall be commenced, the said committee may, as the work progresses, pay to the contractors, by orders drawn on the Treasurer of New Castle County, such sum or sums of money as in their judgment may be deemed commensurate with the amount of work accomplished, and all such orders, signed by the committee appointed as aforesaid, shall be a good and sufficient voucher of the said County Treasurer for all sums of money by him paid thereon.

Vouchers.

Passed at Dover, April 7, 1885.

OF THE LEVY COURT.

CHAPTER 427.

OF THE LEVY COURT.

AN ACT to amend an act entitled "An act to direct the Levy Courts of the several counties to publish detailed statements of all Expenditures of County Funds, and circulate the same in pamphlet form," passed at Dover, April 12, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1 of said act be and the same is hereby amended by striking out the word "May," in line 2 thereof, and inserting in lieu thereof the word "December." Section one, of Chapter 18, current volume, amended.

Passed at Dover, April 17, 1885.

CHAPTER 428.

OF VALUATION OF PROPERTY.

A SUPPLEMENT to the act entitled "An act to incorporate the 'Dover Glass Works Company,'" passed at Dover, April 9, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the real estate and all the improvements now owned by the corporation known as the "Dover Glass Works Company," near the Town of Dover, shall be and they are hereby exempt from the assessment and collection of state, county and school taxes for the period of ten years from and after the passage of this act. Exempted from taxation for ten years.

SECTION 2. That the act to which this is an amendment be and the same is hereby amended by striking out "January," wherever it occurs in Section 4 of the original act, and inserting in lieu thereof the word "August."

Passed at Dover, February 26, 1885.

OF THE PUBLIC ARMS AND DEFENSE.

TITLE THIRD.

Of the Public Arms and Defense.

CHAPTER 429.

OF THE PUBLIC ARMS AND DEFENSE.

AN ACT to further amend Chapter 15 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 15,
Revised
Code,
amended.

SECTION 1. That Chapter 15 of the Revised Code of the State of Delaware, as published as amended as Chapter 25 of Volume 17 of the Laws of the State of Delaware, be and the same is hereby amended, as follows, viz:

Amend
Section 1.

Strike out of Section 1 of said chapter, in the second line thereof, the word "Sheriff," and insert in lieu thereof the words "Quartermaster for the same."

Amend
Section 4.

Strike out of Section 4 of said chapter, in the first line thereof, the word "Sheriff," and insert in lieu thereof the word "Quartermaster."

Amend
Section 6.

Strike out all of Section 6 of said chapter, and insert in lieu thereof the following:

Organiza-
tion of com-
panies.

SECTION 6. It shall be lawful for the white male citizens of this state, above the age of eighteen years, to organize, in the respective counties, volunteer companies of infantry, batteries of artillery, and troops of cavalry, who shall, as nearly as practicable, be officered, armed and equipped and disciplined according to the army regulations of the United States, and that such organized militia shall thereafter be known as the "NATIONAL GUARD OF THE STATE OF DELAWARE;" *provided however*, that in time of peace the said volunteer force shall not exceed eight companies of infantry,

Title.

Number of
companies.

OF THE PUBLIC ARMS AND DEFENSE.

four of which may be organized in New Castle county, two in Kent, and two in Sussex counties, and two troops of cavalry, which may be organized and located at such points in the state as the interests of the service shall require.

Strike out all of Section 7 of the said chapter, and insert Amend
Section 7. in lieu thereof the following, to wit:

SECTION 7. The companies, batteries and troops shall Election of
officers of
companies. elect, by ballot, their respective commissioned officers, and whenever, according to the aforesaid regulations, there shall be a sufficient number of companies, troops, or batteries to compose a battalion, or squadron, or regiment; then the corresponding grades of commissioned officers shall be elected Battalions
and Regi-
ments. by ballot by the commissioned officers of the respective companies, batteries, or troops composing such battalions, squadrons, or regiments, except that the colonel commanding the regiment shall appoint the adjutant thereof. The non-commissioned staff officers of the regiment shall be appointed Non-com-
missioned
staff and
company
officers, how
appointed. by the colonel, and the non-commissioned officers of the several companies by the colonel upon the nomination of the captains of the respective companies. Whenever there shall be a sufficient number of regiments to form a brigade, the brigadier-general and brigade officers shall be elected by the commissioned line, field and staff officers of the several regiments or battalions composing such brigade, and all the commissioned officers to be thus chosen shall be commis- Commis-
sions. sioned by the Governor for the term of seven years; *provided however*, that the commissions of the officers of the Governor's staff shall expire with the term of office of the Governor by whom they were appointed, and the commissions of any officer of any company, troop, battery, battalion, regiment, or brigade, shall at once expire if at any time such company, troop, battery, battalion, regiment, or brigade shall be dis- Expire on
disband-
ment of
command. banded.

Strike out of Section 9 of the said chapter, in the fourth Amend
Section 9. line thereof, the word "Commissary," and insert in lieu thereof the word "Quartermaster."

Strike out all of Section 10 of the said chapter, and insert Amend
Section 10. in lieu thereof the following, viz :

SECTION 10. Each infantry company shall consist of one Infantry
company. captain, one first lieutenant, one second lieutenant, one first

OF THE PUBLIC ARMS AND DEFENSE.

sergeant, one company quartermaster-sergeant, four sergeants, eight corporals, two musicians, one wagoner, and not more than one hundred nor less than twenty-five enlisted men.

Infantry
regiment.

Each infantry regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant (an extra first lieutenant), one quartermaster (an extra first lieutenant), one commissary of subsistence (an extra first lieutenant), one surgeon with the rank of major, one assistant-surgeon with the rank of first lieutenant, and one chaplain with the rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, two principal musicians, and not less than six nor more than ten companies.

Battalions,
brigades and
divisions.

A battalion shall consist of not less than two nor more than five companies. In the ordinary arrangement of the troops, two regiments shall constitute a brigade, two brigades a division; but the Governor may, in his discretion, attach such members of regiments and battalions to any brigade, or such members of brigades to any division, as he may deem proper.

Amend
Section 12.

Strike out of Section 12 the words "Commissary," in the first line thereof, and insert in lieu thereof the word "quartermaster"; also, in the fifth line thereof, strike out the word "Adjutant" and insert in lieu thereof the word "Quartermaster." Also, in the tenth and eleventh lines thereof, strike out the word "commissary" and insert in lieu thereof the word "quartermaster," and add, after the word "commission," in the eleventh line aforesaid, the words "or being in commission has not bonded." Also strike out all in said Section 12 after the word "bonded" above inserted, and insert in lieu thereof: "The Adjutant-General shall have power to inspect, condemn, and order sold all arms, accoutrements and ammunition and other military stores found to be unserviceable, or which it may be deemed to the interest of the state to dispose of, and the Quartermaster-General shall sell the same on such terms as the Governor may approve of, and the money received from such sale or sales shall be applied to and expended for the use and benefit of the militia of the state under the direction of the Governor of the state, in such manner and for such purposes as shall best promote the efficiency of said militia. Said Quartermaster-General shall report biennially

Adjutant-
General's
duty.

Sale of
arms, &c.

Proceeds,
how dis-
posed of.

Report.

OF THE PUBLIC ARMS AND DEFENSE.

to the Governor all moneys so received and distributed, to be by the Governor reported to the General Assembly at its next session.

Strike out of Section 13 of said chapter, in the first line thereof, the word "commissary," and insert in lieu thereof the word "quartermaster." Amend
Section 13.

Strike out of Section 14 of said chapter, in the sixth line thereof, the words "or any two magistrates thereof," and add to said section the words, "and on all such occasions the quartermaster of the county shall furnish the necessary transportation, camp and garrison equipage, commissary and ordnance stores as may be required." Amend
Section 14.

County
Quartermaster to
furnish
transportation,
&c.

Strike out of Section 19 of said chapter, in the seventh line thereof, the words "commissary or," and in the tenth line thereof the words "commissary or." Amend
Section 19.

That Section 16 of said chapter be amended by adding thereto the following, viz: "Any officer or soldier cashiered or dishonorably discharged from the military service of this state shall be incapable of holding any office of honor, trust or emolument created by or existing under and by the authority of the State of Delaware." Amend
Section 16.

Disqualifi-
cations.

That Section 17 of said chapter be amended by adding thereto the following, viz: "If any officer or soldier in the military service of the State of Delaware shall neglect or refuse to pay the fines imposed upon him by sentence of a court martial, such officer or soldier may be brought before a court martial and tried for the same as an offense prejudicial to good order and military discipline, and, if convicted, shall suffer such punishment as said court martial may inflict; but that no commissioned officer shall be cashiered, except by the sentence of a general court martial appointed by the Governor of the state, and no enlisted man who shall be sentenced to be dishonorably discharged the service by sentence of a court martial otherwise appointed shall be so discharged unless such sentence be first approved by the Governor of the state." Amend
Section 17.

Collection of
fines, &c.

Punish-
ment.

Strike out of Section 21 in the second line thereof the words "to the several corps;" also strike out of said section all after the word "dollars" in the ninth line thereof, and insert in lieu thereof the following, viz: Amend
Section 21.

OF THE PUBLIC ARMS AND DEFENSE.

County
Quartermaster's re-
turns.

Inspector-
General to
make return

Penalty.

Amend
Section 24.

Courts mar-
tial for trial
of enlisted
men.

Confirma-
tion of
sentence.

Additional
sections.

State camp.

Inspection.

"The quartermasters of each county shall make return to the Quartermaster-General, in such form as he may direct, of all quartermaster, commissary and ordnance stores in his custody or under his control, in order that the said Quartermaster-General may lay the same before the Governor, that he may be informed of the effective force and condition of the military department of the state, and that the same may be transmitted to the General Assembly at its sessions. The Inspector-General shall make such annual and other inspections of the troops and the property in their charge and in the charge and custody of the Quartermaster-General and county quartermasters as may be ordered by the Governor, and of his proceedings make due return. If any officer refuse or neglect to perform the duties required of him by this section he may be fined, at the discretion of a court martial, in any sum not exceeding twenty dollars."

Strike out all of Section 24 of said chapter and insert in lieu thereof the following:

SECTION 24. Courts martial for the trial of non-commissioned officers and privates shall be appointed by the commanding officer of the regiment, battalion, squadron, battery or post, but said courts martial shall not have the power to dishonorably discharge from the service of the state any enlisted man without the approval of the Governor of the state, nor to impose a fine of a larger amount than ten dollars, nor order any imprisonment to exceed ten days, and at such courts martial no person shall be excused unless it be made to appear satisfactorily to the court, by the testimony of a credible witness, that he was prevented by sickness of himself or family, or such other unavoidable circumstances as demanded his personal attention.

Add to said chapter the following sections, to wit:

SECTION 29. There shall be held once in every year, between the first days of May and the first days of November, an encampment of all the military forces organized under the provisions of this act, and not to exceed seven days in duration, at such time and place as the Governor of the state shall direct, and during such encampment there shall be made by the Inspector-General, or such other person as the Governor may designate, an inspection of the troops as now provided for by law. For the purpose of such annual

OF THE PUBLIC ARMS AND DEFENSE.

encampment, the Quartermaster-General shall furnish all necessary transportation, subsistence, camp and garrison equipage, ordnance and ordnance stores.

SECTION 30. During an encampment the usual camp routine shall be observed as near as practicable, and the officers and men shall be governed by the regulations, customs and usages of the United States army. The commanding officer of an encampment may fix certain bounds, not including any public road, within which no spectator may enter without leave, and whoever intrudes within such limits when forbidden to do so, or after entering by permission shall conduct himself in a disorderly manner, or whoever resists a sentry or guard acting under orders to prevent such entry or to prevent disorderly conduct, may be arrested by the commanding officer, or by his order, and taken before a Justice of the Peace of the proper jurisdiction, and upon conviction of the offense shall be fined not more than fifty nor less than ten dollars, and the cost of prosecution, and committed until such fine and costs are paid.

Police powers in relation to camp.

SECTION 31. The Governor shall appoint a State Board of Examiners, to consist of three commissioned officers of the militia, one of whom shall be a surgeon, whose duty it shall be to examine into and report upon the qualifications, physical and mental, of all applicants for commissions in said militia who may be ordered before it for examination, and no commission shall be granted to the person so ordered before the board until the applicant shall have passed a satisfactory examination before said board.

Board of Examiners.

Powers and duties.

SECTION 32. The Governor may, at any time, order any commissioned officer of the militia before said board of examiners for examination, and discharge from service any incompetent or unsuitable officer upon the report of said board of examiners finding such facts as to warrant the discharge, and he may discharge from the service any officer who neglects or refuses to obey such lawful orders as may be given him by his superior officers.

Officers may be ordered before Board.

Discharged.

SECTION 33. Every company duly organized, and found by the Adjutant-General, on examination of the rolls and report returned by the inspecting officers, to be fully up to the proper standard of members, drill and discipline, shall receive directly from the public treasury the sum of two

Special appropriation.

OF THE PUBLIC ARMS AND DEFENSE.

How drawn. hundred dollars per annum, payable on the warrant of the Adjutant-General on the State Treasurer to the order of the company commander, who shall disburse the same among the officers and men of his command pro rata, taking their receipts in duplicate on pay rolls, one to be returned to the Adjutant-General of the state within one month of the receipt by him of the amount of said warrant; the other to be retained; *provided*, that the amount to be expended under the provisions of this section shall not exceed the sum of twelve hundred dollars.

Amount limited.

Passed at Dover, April 17, 1885.

TITLE FOURTH.

Of Elections.

CHAPTER 430.

OF ELECTIONS.

AN ACT to authorize the Sheriff of Kent County to preserve the Ballots, Certificates and Tally Lists deposited in the ballot boxes now in his custody.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall be lawful for the Sheriff of Kent county to open the ballot boxes now in his custody and take therefrom the ballots, certificates and tally lists deposited therein, which he shall preserve in some proper place other than in said ballot boxes until the last day of February, A. D. 1885. Duty of Sheriff in relation to ballot boxes. Custody of tally lists, etc.

SECTION 2. *And be it further enacted by the authority aforesaid,* That when the ballots, certificates and tally lists aforesaid are thus removed it shall be the duty of the said Sheriff of Kent county to deliver said ballot boxes to the Inspectors of the several hundreds in said county for the purpose of holding a special election therein in pursuance of the writ of election issued by the Speaker of the House of Representatives of the State of Delaware, now in session, to fill the vacancy therein. Deliver ballot boxes to Inspectors.

SECTION 3. That the Clerk of the Peace of Kent county may deliver to the Sheriff of said county the lists of voters and delinquents used at the last general election, so far as the same was returned to his office. Duty of Clerk of the Peace.

Passed at Dover, January 28, 1885.

OF ELECTIONS.

CHAPTER 431.

OF ELECTIONS.

AN ACT in relation to the Special Election to be held in Kent County on the Second day of February, A. D. 1885.

Special
election how
held.

Duty of
Sheriff.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the special election to be held in Kent county on the second day of February, A. D. 1885, shall be held by the Inspectors in the several hundreds of the said county elected at the last general election, and the Sheriff of Kent county shall deliver the ballot boxes to the said Inspectors respectively.

In case of
disability of
Inspector.

SECTION 2. That if by reason of death, sickness or other disability any Inspector so elected in November last should be unable to hold said election in any of the districts in Kent county, then said election shall be conducted in accordance with the provisions of the law relating to and governing general elections in this State.

Passed at Dover, January 29, 1885.

CHAPTER 432.

OF ELECTIONS.

AN ACT to amend Chapter 18, Section 24, of the General Election Laws, to change time of Meeting of Inspectors.

Be it enacted by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate:

Section 1,
Chapter 5,
Volume 13,
amended.

SECTION 1. That Section 24, of Chapter 18 of the Revised Code, be and the same is hereby amended by inserting, after the word "county," in line four of said section, the following words: "The Inspectors of New Castle county shall meet on Thursday succeeding the day of the general election, at ten o'clock a. m., at the court-house of the county."

Passed at Dover, April 16, 1885.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 433.

OF SALARIES.

AN ACT to amend Section One, Chapter Five, Volume Thirteen, of the
Laws of Delaware.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That Section One, Chapter Five, Volume Thirteen of the Laws of Delaware, passed at Dover, February 7, 1866, be and the same is hereby amended by adding these words at the end of said section, to wit: "but a corporation for religious, benevolent, or literary objects only shall not be construed as included within this proviso." Section 1,
Chapter 5,
Volume 13,
amended.

Passed at Dover, March 17, 1885.

CHAPTER 434.

OF SALARIES.

AN ACT to increase the Salaries of the Chancellor, Chief-Justice and
Judges of the Superior Court.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That the annual salary of the Chancellor and Chief-Justice shall be three thousand dollars each, and that of each of the Associate Judges twenty-seven hundred Increase of
salaries of
the Judges.

OF SALARIES.

dollars, with an addition to the salary of the Chancellor and Associate in Kent of two hundred dollars each for reporting the judicial decisions.

From March
1, 1885.

SECTION 2. The said salaries shall commence on the first day of March, 1885, and be paid as heretofore.

SECTION 3. All provisions of any statute inconsistent with this act are hereby repealed.

Passed at Dover, April 8, 1885.

CHAPTER 435.

OF THE STATE TREASURER.

AN ACT in relation to the Duties of the State Treasurer.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

State
Treasurer's
Report to
General As-
sembly.
When,
Contents.

SECTION 1. That it shall be and is hereby made the duty of the State Treasurer to make a written report to each House of the General Assembly within ten days after the commencement of every regular or special session thereof, showing all unpaid taxes due the state from any corporation liable to pay such taxes, and in such report shall state in detail the amount of tax unpaid by any such corporation and the name of the corporation so in default.

Default of
corporation
to pay taxes.

Duty of
State
Treasurer.

SECTION 2. That whenever any corporation liable to pay taxes to the state shall make default of the same for the space of sixty days after demand for payment thereof by the State Treasurer, it shall be and is hereby made the duty of the State Treasurer to certify the facts to the Attorney General for such proceedings in the premises by him as may be warranted by the laws of this state.

Passed at Dover, April 14, 1885.

OF THE REGISTER IN CHANCERY.

CHAPTER 436.

OF THE REGISTER IN CHANCERY.

AN ACT to authorize the Register in Chancery in and for Kent County to have the Seal of the Court of Chancery in and for said county repaired.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Register in Chancery of the State of Delaware in and for Kent County be and he is hereby authorized and directed to have the seal of the Court of Chancery in and for Kent County repaired and put in complete order without changing the form of said seal. Register in Chancery authorized to repair seal.

SECTION 2. That the Levy Court of Kent County shall pay to the said Register in Chancery any just and reasonable charges incurred in the repairs of said seal. Expenses, how paid.

Passed at Dover, January 29, 1885.

CHAPTER 437.

OF NOTARIES PUBLIC, &c.

AN ACT authorizing the Appointment of an additional Justice of the Peace and a Notary Public in Sussex County, to reside within one mile of Concord.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring),* That the Governor be and he is hereby authorized to appoint one additional Justice of the Peace and one additional Notary Public in and for Sussex county, to reside at or within one mile of the village of Concord, either in Broad Creek or Nanticoke hundred. Governor authorized to appoint additional Justice of the Peace and Notary Public. Residente.

Passed at Dover, April 9, 1885.

OF THE STATE CHEMIST.

CHAPTER 438.

OF THE STATE CHEMIST.

Chapter 348,
Volume 16. AN ACT to amend the act entitled "An act to amend the act entitled 'An act providing for the appointment of a State Chemist,'" passed at Dover, April 8, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Professor of
Chemistry
in Delaware
College ex
officio State
Chemist.

SECTION 1. That the person occupying the chair of Professor of Chemistry in Delaware College, at Newark, Delaware, be and he is hereby declared *ex officio* State Chemist.

Duty of
State
Chemist.
Annual
analysis of
samples.

SECTION 2. That it shall be the duty of the State Chemist annually to analyze samples of all fertilizers which may be offered for sale within this state, and for this purpose he is authorized and directed to take from not less than five original packages of said fertilizers, which may be in the possession of any manufacturer, dealer, or persons using the same, two samples not exceeding one pound in weight, one sample to be retained by the State Chemist, and the other sample to be sent by the State Chemist, in a sealed bottle or can, to the Secretary of State, who shall keep the same; and in case any manufacturer should request another analysis, then the sample retained by the Secretary of State, at the request of any manufacturer, shall be sent to any chemist which the Secretary of State, State Chemist and manufacturer shall agree upon.

One sample
to be retain-
ed by State
Chemist,
one by Sec-
retary of
State.

Packages of
fertilizers,
how
stamped.

SECTION 3. That every bag, barrel or other package of commercial fertilizer manufactured or sold in this state shall have plainly stamped thereon the number of net pounds of fertilizer in the package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and chemical analysis, stating the percentage of ammonia, of potash soluble in water, of available phosphoric acid, and of insoluble phosphoric acid; and any manufacturer or dealer who shall misrepresent the proportions of ammonia, phosphoric acid and potash, or either of them, contained in such fertilizer,

Percentage
of ingredi-
ents stated.

OF THE STATE CHEMIST.

shall be guilty of a misdemeanor, and upon conviction thereof on indictment shall be fined two hundred dollars for the first offense and three hundred dollars for each subsequent offense. Penalty for misrepresentation of contents.

SECTION 4. That every manufacturer or importer of commercial fertilizers, before offering the same for sale in this state, shall file with the State Chemist a paper giving the names of his principal agents and also the name and guaranteed analysis of the fertilizer or fertilizers offered for sale by him, and any manufacturer or importer who shall refuse to give the information herein required shall forfeit one hundred dollars for the first offense and one hundred and fifty dollars for each subsequent offense. Duty of manufacturer or importer of fertilizers. Penalty for neglect.

SECTION 5. That every manufacturer, importer, agent or seller of any commercial fertilizer shall pay annually to the State Chemist an analysis fee of thirty dollars for each and every brand offered for sale within this state, the said fee to be payable upon receipt of the certificate or certificates of analysis required by this act. *Provided*, that whenever the manufacturer or importer shall have paid the fee herein required for any persons acting as agents or sellers for such manufacturer or importer such agents or sellers shall not be required to pay the fee named in this section. Fee to State Chemist, by whom paid. Proviso.

SECTION 6. *Be it further enacted*, That any person or persons purchasing any fertilizers from any manufacturer or venders in this state for their own use, and who, themselves, the purchasers, are citizens of the state, may, if they desire, submit fair samples of fertilizers to the State Chemist, but in order to protect the manufacturers or venders from the submission for analysis of spurious samples, the person or persons selecting the same shall do so in the presence of one or more disinterested persons, which samples shall be taken from one or more packages, and bottled, corked and sealed in presence of said witnesses, and this sample package or bottle placed in the hands of a disinterested person, who is to forward the same at the expense of the purchaser to the State Chemist when the purchaser so desires, and upon the receipt by him of any such sample package the State Chemist is hereby authorized to demand and receive for such analysis five dollars and return to such purchaser or purchasers a certificate or certificates of analysis; the certificate shall in all cases set forth the components of said fertilizers with Persons other than manufacturers may submit samples to State Chemist. Mode of procedure. Fee of State Chemist.

OF THE STATE CHEMIST.

Certificate
of analysis.
Contents.

When
verified by
affidavit
evidence.

their respective quantities, date of analysis and the name or names of persons submitting the samples, and be signed by the State Chemist, who is hereby required to keep an accurate account of the same, and the said certificates, or record, when verified by the affidavit of the State Chemist, shall be competent evidence in any court of law or equity in this state.

Justices of
the Peace to
bind offend-
ers for ap-
pearance.

SECTION 7. Justices of the Peace shall have authority to bind persons offending against this act in sufficient surety for appearance at court in accordance with the provisions of Chapter 97 of the Revised Statutes of this state.

Remedy of
the persons
defrauded
by reason of
adultera-
tion or defi-
ciencies.

SECTION 8. Any person or persons purchasing any fertilizer or fertilizing materials from any manufacturer or vender who shall, upon analysis by the State Chemist, discover that he has been defrauded by reason of adulterations or deficiencies of constituent elements either of quality or quantity in the fertilizer or fertilizing materials so purchased, shall recover in any action he may institute, upon proof of the fact, twice the amount paid to or demanded by the manufacturer or vender of the same; but in all cases where the vender is an agent of a manufacturer, or sub-agent of such agent, the judgment of the court shall be rendered against the manufacturer, unless upon trial the said agents are found to be guilty of the frauds perpetrated. And in case the purchase is made of a manufacturer or of an agent of any person or persons residing out of the limits of the State of Delaware, manufacturing, compounding, preparing and furnishing for sale any such commercial manures or artificially manufactured fertilizers, the purchaser thereof may at his option proceed by attachment, as is now provided by law in cases of non-resident and absconding debtors, against any property, rights or credits of any person or persons selling, manufacturing, compounding or furnishing said manures or fertilizers when such property rights and credits can be found within the limits of this state.

Commercial
fertilizer
defined.

SECTION 9. The term "commercial fertilizer," as used in this act, shall be taken to mean any and every substance imported, manufactured, prepared or sold for fertilizing or manurial purposes, except barn-yard manure, marl, lime, ashes, and plaster, and chemicals used in compounding artificial fertilizers.

OF THE STATE CHEMIST.

SECTION 10. The State Chemist shall, during the months of April and August, publish, in two newspapers in each county of this state, the results of all analyses made by him other than those made under the provisions of Section 6 of this act. Said published analyses shall set forth the percentage of ammonia, potash soluble in water, of available and insoluble phosphoric acid, with a statement of the commercial value of each ingredient, which valuation shall be uniform and not above the real commercial value of such ingredients. He shall also make a report of the operations of his office to the Governor of the state annually, giving the number of analyses made and the amount of proceeds of office; said report to be presented to the General Assembly at each session thereof, the same as the Auditor's and State Treasurer's are made.

State Chemist shall publish results of analysis.

What publication shall set forth.

Report of State Chemist to Governor.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 12. This act shall take effect immediately.

SECTION 13. That in case the State Chemist wilfully makes any false or untrue analysis he shall be deemed guilty of a common nuisance, and upon conviction thereof shall be fined a sum not exceeding \$100, and shall stand committed to the custody of the Sheriff until said fine is paid.

False analysis.

Penalty.

Passed at Dover, April 16, 1885.

CHAPTER 439.

OF THE INSURANCE COMMISSIONER.

AN ACT to amend an act entitled "An act in relation to Insurance Companies," being Chapter 347 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, to wit:

SECTION 1. Amend Section 3 by inserting, between the words "agent" and "Said," in line 10 of said act, the following: "Provided, that of the statement of the United States

Section 3, Chapter 347, Volume 16, amended.

OF THE INSURANCE COMMISSIONER.

branch of any foreign company certification by the manager of said branch in the United States shall be sufficient, the home office statement of such company being certified as in other cases.

Section 4
amended.

SECTION 2. Strike out the word "fire," in the twenty-third line of Section 4 of said act, and insert, after the word "risks" and before the word "If," the words "other than life."

Section 5
amended.

SECTION 3. Insert between the word "State" and the word "then," in the tenth line of Section 5 of said act, the words: "or if it shall appear by such statement that such company is a stock company incorporated under the laws of another state or foreign country, and is exclusively a plate glass insurance company, and is in good condition, and has assets to the amount of one hundred thousand dollars over and above all liabilities and claims,".

Section 7
amended.

SECTION 4. Amend Section 7 of said act by inserting between the words "State" and "It," in line 17, the following: "or act within this state as agent for such company or corporation (or any person or association of individuals doing a like business and not authorized to transact business within this state) or otherwise in any manner, directly or indirectly, aid in the transaction of the business of or in the collection of any premiums, dues or assessment by or for such company, corporation, person or association of individuals, except in the prosecution or defense of suits at law, under penalty of a fine of not less than one hundred dollars or more than five hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court." And further amend said Section 7 by adding thereto the following, to wit: "under penalty of a fine of not exceeding five hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court."

Section 7
further
amended.

Passed at Dover, April 10, 1885.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 440.

OF FREE SCHOOLS.

AN ACT to amend the act entitled "An act to appropriate Money for Free Schools in this State, and for other purposes," passed at Dover April 19, 1883; and also to amend Chapter 369, Volume 16.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act to appropriate Money for Free Schools in this State, and for other purposes," passed at Dover, April 19, 1883, be and the same is hereby amended by striking out the word "five," occurring in line ten, section five of said act, and by inserting in lieu thereof the word "ten;" also to amend Chapter 369, Volume 16, Section 8, by striking out the word "sixty," in line ten of said section, and inserting in lieu thereof the words "seventy-five."

Chapter 47,
current
volume,
amended.
Also Chap.
369, Vol. 16.
Percentage
on sale of
books.

Passed at Dover, March 24, 1885.

CHAPTER 441.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to appropriate Money for Free Schools in this State, and for other purposes."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act to appropriate Money for Free Schools in this State, and for other purposes,"

Chapter 47,
Volume 17,
amended.

OF FREE SCHOOLS.

passed at Dover April 19, 1883, be and the same is hereby amended by striking out Section 2 of said act and by inserting in lieu thereof the following: "SECTION 2. That no district in Sussex county shall receive any appropriation from the state, or any dividend from the income of the school fund, until it has raised by tax the sum of seventy-five dollars, and it shall be the duty of the school commissioners in each of the school districts of said county annually, in the month of April, to assess and levy, without regard to any vote thereon, in each of their respective districts, the sum of seventy-five dollars, to be applied to the support of the schools of their districts respectively, which said sums shall be in lieu of the sixty dollars heretofore required to be raised by law. Whenever the school voters in any district in said county shall resolve to raise a given sum, such sum shall be construed to be in addition to the seventy-five dollars required by law to be raised. After the expiration of the present school year the schools in Sussex county shall open not later than the first Monday in October in each and every year, and shall remain open for at least five months, and any district in said county failing to comply with this provision shall forfeit any share in the income of the school fund or state appropriation the year following, unless such failure was occasioned by the destruction of its school building by fire or otherwise, or unless such failure was caused by the delay rendered necessary by the erection of a new school building."

School districts in Sussex county each to raise \$75 by tax.

Commissioners to levy tax for the amount.

Additional sum beyond \$75.

Time of opening of schools.
Term.

Penalty for failure to comply.
Exception.

Not applicable, when.

SECTION 2. The provisions of this bill shall not apply to any district where a teacher cannot be procured after due diligence has been exercised by the committee.

Passed at Dover, April 1, 1885.

OF FREE SCHOOLS.

CHAPTER 442.

OF FREE SCHOOLS.

AN ACT in relation to the Distribution of the School Fund belonging to Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That hereafter it shall be the duty of the Trustee of the School Fund, in distributing and apportioning that part of the school fund apportioned to Kent county, to distribute the same as follows: He shall divide the part apportioned to Kent county in as many parts as there are school districts in Kent county, without regard to the fact whether the said districts are original or subdivided, and shall apportion to each single district one part thereof; and the residue of the moneys apportioned to Kent county shall be aggregated, distributed and apportioned among the several united or consolidated districts in proportion to the number of children enrolled in the schools thereof; *provided*, that no child who is not a resident within the limits of the united or consolidated districts in which they attend school shall be enrolled.

Duty of Trustee of the School Fund.
How distributed.
Proviso.

SECTION 2. That it shall be the duty of the principal teacher of any united or consolidated districts of Kent county, in the month of May next, A. D. 1885, and in the month of May annually thereafter, to report to the Trustee of the School Fund, in writing, the name of every scholar enrolled in such united or consolidated district during the year prior to said report; *provided*, that in making such report they shall not enroll the names of any scholars who are not residents within the limits of the united or consolidated districts of which they are teacher; which report shall be verified as true and correct by the affidavit of the teacher making the same, before any Justice of the Peace of Kent county. The fee for taking such affidavit shall be paid by the commissioners of the schools out of the appropriations for said districts. Such report, with the affidavit, may be transmitted to the Trustee of the School Fund by mail. A failure to comply with the provisions of this section shall

Report of teachers.
Enrollment of scholars.
Proviso.
Report verified by affidavit.
To whom transmitted.

OF FREE SCHOOLS.

Fine.

Penalty,
how recovered.

subject the teacher so failing to a penalty of twenty dollars, to be sued for and recovered, with costs of suit, by the Trustee of the School Fund, in his individual name as such Trustee, before any Justice of the Peace in Kent county; and the said penalty, when recovered, shall be and constitute a part of the general school fund of Kent county.

Residue,
how distributed.

SECTION 3. That any district which shall be under the government of a specially incorporated school board shall be treated and considered as entitled to participate and share in the residue of the funds to be annually distributed and apportioned according to the number of children enrolled in the school of such district, agreeably to the provisions of Section 1 of this act.

Passed at Dover, April 8, 1885.

CHAPTER 443.

OF FREE SCHOOLS.

AN ACT to amend Chapter 47, Volume 17, of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3,
Chapter 47,
Volume 17,
amended.

SECTION 1. That Chapter 47, Volume 17 of the Laws of Delaware, be and the same is hereby amended by striking out the words "alteration or repair" in lines 7 and 8, in Section 3 of said chapter, and the words "or for the procuring of the furniture therefor," in line 9 of said section, and adding after the word "State," in the last line of said Section 3, the words "and for the necessary repairs of the school buildings and for the procuring of furniture for the school-rooms."

Passed at Dover, April 8, 1885.

OF FREE SCHOOLS:

CHAPTER 444.

OF FREE SCHOOLS.

AN ACT to amend Chapter 42, Section 11, Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 11 be and the same is hereby amended by adding after the word "fidelity," in line 6, the following: "Any one of the old committee may administer the oath or affirmation to the newly elected member or members." Section 11 of Chapter 42, Revised Code, amended.

Passed at Dover, April 10, 1885.

CHAPTER 445.

OF FREE SCHOOLS.

AN ACT appropriating money towards Defraying the Expenses of holding Teachers' Institutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That in the month of August next, and annually thereafter, the Trustee of the School Fund shall set apart out of the portion of the school fund distributed to each county the sum of one hundred dollars, the same to be applied toward the expenses of holding the Teachers' Institutes in each county of this state, which sum so set apart shall be paid to the State Superintendent of Free Schools upon his draft on the Trustee of the School Fund, and the money so drawn by the said State Superintendent shall be expended by him towards defraying the expenses of the Teachers' Institutes in each county, and shall be used for no other purpose whatever. \$100 of school fund appropriated for institutes in each county.
To whom paid.

Passed at Dover, April 16, 1885.

OF FREE SCHOOLS

CHAPTER 446.

OF FREE SCHOOLS

AN ACT restraining frequent changes in the Text Books to be used in the Free Schools of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Meeting of
State Board,
when and
where.

To decide
upon text
books.

No change
for five years

Subsequent
meetings of
Board.

Proviso.

SECTION 1. That the State Board of Education shall, on the second Tuesday of July next, A. D. 1885, hold a meeting in the town of Dover, and then and there determine and decide what text books are to be used in the free schools of this state, and when the same shall have been so fixed and decided upon at said meeting by the said The State Board of Education, no change shall be made in any of said text books until the expiration of five years thereafter; and on the second Tuesday of July, A. D. 1890, and every five years thereafter, it shall be the duty of the said State Board of Education to meet in the said town of Dover and to determine what changes shall be made in the text books to be used in the said free schools of this state, and that no change shall be made in any text books to be used in the said free schools except at the meetings to be held every five years as directed by this act. *Provided* that nothing herein contained shall require a change in the text books now used in the country districts within the limits of this state before the year 1890.

Passed at Dover, April 17, 1885.

OF FREE SCHOOLS.

CHAPTER 447.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to authorize the United School Districts Nos. 39 and 41, in New Castle County, to borrow money for the purpose of Building a New School House thereon, and also to sell school property belonging to said districts."

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* Amend section one of the act for which this is a substitute by striking out the word "three," before the word "thousand," in the ninth line (as printed in the pamphlet laws), and insert in lieu therefor the word "seven." Strike out the word "six," in line twelve, before the word "equal," and insert in lieu therefor the word "fourteen." Add, after the word "year," in the thirteenth line, "the first installment to be due April 25, 1886."

Section 1,
Chapter 49,
current
volume,
amended.

Passed at Dover, January 22, 1885.

CHAPTER 448.

OF FREE SCHOOLS.

AN ACT in relation to School Districts in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION I. That within twenty days after the passage of this act, the Governor shall appoint three judicious persons residing in Sussex county, who, together with the Superintendent and Assistant Superintendent of the Free Schools of the State of Delaware, shall constitute a Board of Commissioners with full power and authority to re-district the said county for school purposes, either by adding new districts, or by consolidating existing districts, where such addition or consolidation may, in their judgment, be necessary.

Governor
shall ap-
point three
commission-
ers.

Duty and
powers of
board.

OF FREE SCHOOLS.

Proviso. for the promotion of education in said county; *provided however*, that they shall not interfere with any districts already consolidated, or with any incorporated boards of education, except by adding other districts or parts of districts thereto.

Place and time of meeting of the board.

Oath, by whom administered.

Quorum.

Vacancies, how filled.

SECTION 2. The said Board of Commissioners shall meet at Georgetown on the first Tuesday in May after their appointment, and shall organize by electing one of their number president and one of their number secretary. Each of the Commissioners shall, before entering upon the duties of his office, be sworn or affirmed to perform his duty with fidelity, which oath or affirmation may be administered by any Justice of the Peace of the said county. The said Board shall meet at such times as may be fixed by resolution, or upon the call of the president. A majority of the Commissioners shall constitute a quorum for the transaction of business, or the performance of any of the duties prescribed by this act. Any vacancy in said Board, occasioned by death, resignation, refusal to serve, or otherwise, shall be filled by the remaining members.

Return of commissioners of additional districts.

Contents of return. Where filed.

Duty of Clerk of the Peace.

Duty of Secretary of Board.

SECTION 3. It shall be the duty of the said Board of Commissioners to carefully examine and inquire concerning the propriety of laying out additional districts, or of consolidating existing districts in said county; and wherever, after such examination and inquiry, the said Board of Commissioners, or a majority of them, shall be of opinion that additional districts should be laid off, or existing districts should be consolidated, they shall proceed to lay off such additional districts, and to consolidate such existing districts as to them shall seem proper. The said Commissioners, or a majority of them, shall make return of such additional districts so located and laid out, and of the part or parts of the original district or districts remaining after such additional districts shall have been laid off, and of such districts as shall have been consolidated, describing plainly the metes and bounds of each, into the office of the Clerk of the Peace of said county, who shall carefully preserve the same for the inspection of the citizens of said county. The duties prescribed above shall be performed, and the said return shall be made before the first day of August, 1885. Notice of the filing of said return shall be given by the secretary of the Board of Commissioners to the clerk of each district to be affected by the redistricting or consolidation aforesaid, within five days after said return shall have been lodged with the said Clerk

OF FREE SCHOOLS.

of the Peace. The clerks of the said districts shall, within three days after the receipt of said notice, cause a copy thereof to be posted in at least four public places in their respective districts. It shall be the duty of the said Clerk of the Peace to lay the said return before the said Board of Commissioners on the last Tuesday in August, 1885, which said Board of Commissioners shall on that day meet at Georgetown for the purpose of hearing any objections that may be made to said return; and the said Board may make any corrections or alterations of the said return which they shall consider proper. They shall number the additional districts in continuation of the school districts in the county, and shall appoint a place in each of the additional or consolidated districts for the meeting of the school voters. The said Board shall cause a fair transcript to be made of said return as corrected and altered, and the said transcript, after it shall have been examined by the said board, and attested by the secretary, shall be lodged with the Clerk of the Peace of said county, to be by him filed among the records of his office. A certified copy thereof shall be evidence. For the purpose of hearing objections as aforesaid, and making alterations and corrections in said return, and examining the said transcript, the said board may adjourn from day to day, *provided* that all the duties herein required of them shall be performed before the tenth day of September, 1885. On and after the first day of April, 1886, the additional districts, as described in the aforesaid transcript of the return, shall be deemed and taken to be school districts of said county, and all acts of the General Assembly of this state for the general regulation, government and benefit of free schools, shall be extended and applied to said additional and consolidated districts; and the Trustee of the School Fund in the distribution of the school fund, or of any state appropriations applicable to school districts in said county, shall give to said additional districts an equal proportion of the money in his hands applicable to school districts in said county. The laws regulating the apportionment of the school fund or state appropriation among the united school districts of this state, and the payment and application of the same, and the amount of taxation in, and the general powers of said united school districts, shall apply to the districts consolidated under the provisions of this act.

Duty of clerks of districts.

Posting of copies of notice.

Duty of Clerk of the Peace.

Board of commissioners may hear objections to return, when and where. Additional districts, how numbered.

Transcript of return filed with Clerk of the Peace.

Certified copy evidence. Board may adjourn to hear objections. Proviso.

When the additional districts to be adopted.

General school laws applicable.

Duty of Trustee of School Fund in apportioning moneys.

SECTION 4. It shall be the duty of the Clerk of the Peace of said county to cause a written or printed notice to be given,

Notice of time and place of meeting.

OF FREE SCHOOLS.

at least ten days before the first Saturday in April, 1886, of the time and place of the meeting of the school voters in the said additional or consolidated districts; which notice shall be posted in five of the most public places in each of said districts. A failure to give notice as aforesaid shall in no wise affect or invalidate any organization that may be made by the school voters in such districts.

Alterations
in districts,
how made.

SECTION 5. From the date of the passage of this act until the first Saturday in April, 1886, no alteration shall be made in any of the school districts in Sussex county, except as herein provided; and after the first Saturday in April, 1886, no alteration shall be made in any of said districts unless such alteration shall be recommended by the State Board of Education.

When recom-
mended by State
Board of
Education.

Compensa-
tion of com-
missioners.

SECTION 6. Each commissioner appointed under or constituted by this act, and actually serving as such, shall receive as compensation for his services the sum of one hundred dollars, which said sum or sums shall be paid by the Trustee of the School Fund out of that portion of the annual state appropriation to which the said county is entitled, upon the orders of the President of the said Board of Commissioners, countersigned by the secretary of said board, and approved by the President of the State Board of Education. The President of the State Board of Education shall not approve of said orders unless satisfied that the said commissioners have performed the duties required of them by this act. Before making the next annual apportionment of the said annual state appropriation among the school districts of said county, the Trustee of the School Fund shall deduct sufficient to meet the payment of the said orders.

How paid.

Approval by
President of
Board.

Duty of
Trustee of
School Fund
in relation
to payment.
What in-
cluded in
annual ap-
portionment
of school
funds.

SECTION 7. At the next annual apportionment of the income of the school fund and the state appropriation among the school districts of Sussex county, after the passage of this act, the Trustee of the School Fund shall include in such apportionment that portion of the income of the school fund and the state appropriation remaining undistributed by reason of the failure of certain districts in said county to raise by tax, in the year 1884, the amount necessary to entitle them to the same; and at every annual apportionment thereafter the said Trustee of the School Fund shall include therein any and all money remaining undistributed by reason of the failure of any district or districts in said county to comply with the law.

Undistrib-
uted moneys

OF FREE SCHOOLS.

SECTION 8. That at the annual apportionment of the state appropriation and income of the School Fund in 1886, and thereafter, it shall be the duty of the said Trustee of the School Fund, in distributing and apportioning the part of the said school fund apportioned to Sussex county, to distribute the same as follows: He shall divide the part apportioned to Sussex county in as many parts as there are school districts in Sussex county, without regard to the fact whether the said districts are original or sub-divided, and shall apportion to each single district one part thereof, and the residue of the moneys apportioned to Sussex county shall be aggregated, distributed and apportioned among the several united or consolidated districts in proportion to the number of children enrolled in the schools thereof; *provided* that no child who is not a resident within the limits of the united or consolidated districts in which they attend school shall be enrolled.

Manner of distribution by Trustee of School Fund.

Proportion of children enrolled.
Proviso.

SECTION 9. That it shall be the duty of the principal teacher of any united or consolidated districts of Sussex county, in the month of May next, A. D. 1885, and in the month of May annually thereafter, to report to the Trustee of the School Fund, in writing, the names of every scholar enrolled in such united or consolidated district during the year prior to said report; *provided* that in making such report they shall not enroll the names of any scholars who are not resident within the limits of the united or consolidated districts of which they are teacher, which report shall be verified as true and correct by the affidavit of the teacher making the same before any Justice of the Peace of Sussex county. The fee for taking such affidavit shall be paid by the commissioners of the schools out of the appropriation for said districts. Such report, with the affidavit, may be transmitted to the Trustee of the School Fund by mail. A failure to comply with the provisions of this section shall subject the teacher so failing to a penalty of twenty dollars, to be sued for and recovered, with costs of suit, by the Trustee of the School Fund, in his individual name as such trustee, before any Justice of the Peace in Sussex county; and the said penalty, when recovered, shall be and constitute a part of the general school fund of Sussex county.

Teacher's report of scholars enrolled. When made and to whom.

Proviso.

Report verified by affidavit.

Report to be transmitted to Trustee of School Fund

Penalty for failure to comply.

How recovered.

SECTION 10. That any district which shall be under the government of a special incorporated school board, shall be treated and considered as entitled to participate and share

Provisions of this act applicable to special incorporated school boards.

OF FREE SCHOOLS.

in the residue of the funds to be annually distributed and apportioned according to the number of children enrolled in the school of each district, agreeably to the provisions of Section 8 of this act.

Passed at Dover, April 17, 1885.

CHAPTER 449.

OF FREE SCHOOLS.

AN ACT for the Relief of School District No. 45, of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

May levy
and collect
taxes for
school
building.
Am't, \$300.

SECTION 1. That from and after the passage of this act it shall be lawful for the School Commissioners in District No. 45, in Kent county, to levy and collect the sum of three hundred dollars, by tax, for the purpose of building a school house in said district, in lieu of the one recently burned.

Mode.

SECTION 2. The sum above stated in Section 1 shall be levied and collected from and out of the tax payers in said district in the way and manner other taxes are levied and collected for school purposes.

Passed at Dover, January 27, 1885.

CHAPTER 450.

OF FREE SCHOOLS.

AN ACT to establish the line in part between School Districts Nos. 24 and 30, in Kent County.

Preamble.

WHEREAS the dwelling on the farm belonging to Benjamin Gooden, now in tenure of himself, is in School District No. 24, in Kent county; and whereas there is a dispute as to

OF FREE SCHOOLS.

whether the tenant house on said farm, now in tenure of Charles H. Gooden, is in the same school district as the said farm house; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the tenant house on the farm of Benjamin Gooden aforesaid, now in the tenure of Charles H. Gooden, be and shall hereafter be included within the bounds of School District No. 24, in Kent county, and shall form a part thereof. Boundary defined.

Passed at Dover, February 11, 1885.

CHAPTER 451.

OF FREE SCHOOLS.

AN ACT entitled "An act to Legalize the acts of the School Commissioners of the United School Districts Nos. 50 and 108, known as the Magnolia Public School, Kent County.

WHEREAS at an occasional meeting of the school voters in the United School Districts Nos. 50 and 108, Kent county, held pursuant to previous notice in the school house in the said district, August 23d, A. D. 1884, it was resolved by a majority vote then had, that the commissioners should borrow two thousand dollars, to be used by them in building a new school house in the said United School Districts Nos. 50 and 108, Kent county, which they, the said commissioners, have done; therefore Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the acts of the said commissioners of the said United School Districts Nos. 50 and 108, Kent county, are hereby made legal, any law or laws of this state to the contrary notwithstanding. Acts of commissioners legalized

SECTION 2. *And further,* that it shall be the duty of the said commissioners and their successors in office, to levy and Duty of commissioners to levy and collect taxes.

OF FREE SCHOOLS.

Purposes,
How levied.

collect annually, as other taxes are levied and collected for school purposes, two hundred dollars, to be applied in payment on the principal, and a further sum of money equal to the interest on the said sum of two thousand dollars; and any part thereof unpaid to be levied and collected in like manner as herein prescribed until the whole shall have been fully paid.

Present
school laws
applicable.

SECTION 3. This act shall not work any change in the school laws of this state, or in their application to these United School Districts Nos. 50 and 108, Kent county, known as Magnolia Public Schools.

Authority
to sell old
school house
and vacant
lot.

SECTION 4. *And be it further enacted*, That the said commissioners shall have the authority to sell the old school house, and the vacant lot on which the said school house formerly stood, and make a title to the purchasers of the same, and apply the same to the liquidation of the said debt.

Passed at Dover, February 11, 1885.

CHAPTER 452.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act to authorize the creation and establishment of a New School District in Kent County, passed at Dover, March 29, 1883.

Preamble.

WHEREAS by Section 1 of the act to which this is a supplement, certain commissioners were designated and appointed to view the premises and lay out a new school district within the limits of original Districts Nos. 1 and 114, and were directed to make return of their proceedings in writing, defining the boundaries of such new district, together with a plot showing the outlines thereof, to the Clerk of the Peace in and for Kent county; and whereas the said commissioners, after viewing the territory, did determine that a new district should be laid out, and did in due form make a return in writing of their proceedings to the Clerk, defining the boundaries of such new district, but omitted to return a plot as required by said act; and whereas by Section 2 of said act it

OF FREE SCHOOLS.

was further provided that after the said commissioners shall have made their return, such new district, so designated by them, should be numbered 114, and that so much of the territory embraced within the limits of original School District No. 114 as should not be included within the limits of such new district should thereafter become and be part of District No. 8; and further, that thereafter United School Districts Nos. 8 and 114 should cease to exist, and School District No. 8 should be an independent district as fully as though no union had ever existed with No. 114; and whereas pursuant to such return, and without notice of the informality thereof, the taxables in School District No. 8, as it would have existed pursuant to the act aforesaid, held their regular stated meeting in the month of April, A. D. 1884, and resolved to raise by taxation a specific sum for general school purposes, and another specific sum for furnishing the school house; and whereas by reason of the failure of the commissioners named in the act to which this is a supplement to conform to the provisions of said act the proceedings of the last mentioned school meeting are rendered invalid, and the dividend of the school fund allotted to United School Districts Nos. 8 and 114 is not properly payable to the persons now acting as the school committee of what would have been District No. 8 in case commissioners under the said act had conformed to all its requirements; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That all the acts and proceedings of the stated meeting of the taxables within the limits of what would have been District No. 8, had the first mentioned commissioners conformed to the requirements of the act aforesaid, held in April, A. D. 1884, be and the same are hereby validated, ratified and confirmed, and that power to collect the taxes, so as aforesaid resolved to be raised, be and the same is hereby conferred and delegated as fully and completely as if the said meeting had been in all respects lawful and regular, and that the duplicate and warrant now in the hands of the collector, authorizing the collection of such taxes, shall be a complete and sufficient warrant and authority in that behalf.

Acts validated.
Power to collect taxes
Collector's warrant and duplicate.

SECTION 2. That the school dividends for the year 1884, allotted unto United School Districts Nos. 8 and 114, shall be paid to the persons now acting as school committee of

Dividends, to whom paid.

OF FREE SCHOOLS.

Duty of
Trustee of
School Fund

District No. 8, and the Trustee of the School Fund is hereby directed and authorized to pay such dividend accordingly.

Boundaries
of School
Districts 8
and 114 not
interfered
with.

Object.

SECTION 3. That this act shall not be so construed as to affect or determine the boundaries or limits of School Districts Nos. 8 and 114, as they now exist, nor in anywise interfere with the status thereof, or with any union that may now by law exist, it being the purpose and intention of this act simply to provide relief to the said district for the present school year in the matter hereinbefore specified.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1885.

CHAPTER 453.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Joseph H. Boone from School District No. 31 to School District No. 63 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Land trans-
ferred to
School Dis-
trict No. 63,
Kent county

SECTION 1. That the farm of Joseph H. Boone, now situated in School District No. 31, be and the same is hereby transferred from said District No. 31, and shall hereafter constitute a part of School District No. 63 in said county.

Assessed for
school pur-
poses.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in said School District No. 63 in Kent county.

Passed at Dover, February 18, 1885.

OF FREE SCHOOLS;

CHAPTER 454.

OF FREE SCHOOLS.

AN ACT to transfer certain lands in School District No. 148 to School District No. 48 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the houses and lands of Samuel Kenney, now in the limits of School District No. 148, Sussex county, be and the same are hereby transferred to, and shall hereafter form a part of School District No. 48 in Sussex county aforesaid, and the said Samuel Kenney and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges, and shall be subject to all the duties and liabilities of taxes of said School District No. 48 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 148 in Sussex county; *provided* that nothing in this act shall relieve the lands and premises therein named from school taxes and assessments now due and unpaid to said School District No. 148 in Sussex county.

Certain real estate transferred to School District No. 48.

Privileges of owners of transferred property.

Proviso.

SECTION 2. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, February 19, 1885.

CHAPTER 455.

OF FREE SCHOOLS.

AN ACT to amend, revive and re-enact the act entitled "An act to authorize the creation and establishment of a new School District in Kent County," passed at Dover, March 29, 1883.

WHEREAS by Section 1 of the act entitled "An act to authorize the creation and establishment of a new school district in Kent county," passed March 29, 1883, certain duties were imposed upon the commissioners therein named, and among them to make a return in writing, accompanied

Preamble.

OF FREE SCHOOLS.

by a plot, showing the outlines of any new district laid out by them under authority of the said act; and whereas no plot, as required by the said act, has been by the said commissioners returned to the Clerk of the Peace, so that the proceedings had and taken hitherto under the authority of said act are inoperative and void, and further legislation is thereby rendered necessary to accomplish the purpose by the said act contemplated; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Section 1 of
Chapter 16,
current vol.,
amended.

SECTION 1. That Section 1 of the said act, mentioned in the preamble hereto, be and the same is hereby amended by striking out the names of John H. Hoffecker, Owen H. Nickerson, John D. Burton, William R. Cahoon, Senior, and Caleb S. Pennewill, and inserting in lieu thereof the names of David Rees, Nathan T. Underwood, John W. Graham, Thomas E. Baily and John Moore.

Act as
amended re-
vived and in
full force.

SECTION 2. That the said act entitled "An act to authorize the creation and establishment of a new school district in Kent county," passed at Dover, March 29, 1883, as the same is modified and amended by Section 1 of this act, be and the same is hereby revived, re-enacted and continued in force as fully and completely as if the same was now first enacted; and the commissioners named and designated in Section 1 of this act shall have and exercise all the powers and authority conferred by the said act as fully and completely as if no attempt had been heretofore made to exercise such power.

SECTION 3. That this act shall be a public act.

Passed at Dover, February 24, 1885.

OF FREE SCHOOLS.

CHAPTER 456.

OF FREE SCHOOLS.

AN ACT transferring the farm now belonging to John T. Jacobs, and situate in School District No. 143 in Sussex County, from said District No. 143 to School District No. 90 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION I. That the farm now belonging to John T. Jacobs, situate in School District No. 143 in Sussex county, shall hereafter be and form a part of School District No. 90 in Sussex county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said John T. Jacobs and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 90; and further, that they are hereby relieved and discharged from the same in said School District No. 143 in Sussex county aforesaid. This act shall be deemed and taken to be a public act.

Land transferred to School District No. 90, Sussex county.

Privileges of owners of transferred property.

Passed at Dover, February 24, 1885.

CHAPTER 457.

OF FREE SCHOOLS.

AN ACT to establish a Board of Education for the Town of Felton and to incorporate the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION I. That School Districts Nos. 102 and 103 and 54 and 82 in Kent county, as now bounded, or as they may hereafter be bounded, be and they are hereby declared incor-

School Districts Nos. 102, 103, 54 and 82, Kent county, consolidated.

OF FREE SCHOOLS.

porated into one consolidated district, to be governed and managed by a board of education consisting of seven members, to be elected as hereinafter provided.

Felton
Board of
Education.

Purposes.

SECTION 2. That from and after the passage of this act there shall be established in and for the town of Felton, and such portions of said districts as lie outside thereof, a board of education, to be styled Felton Board of Education, whose design and purpose shall be the direction, management and superintendence of the youth in said consolidated districts between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the provisions of this act.

Who com-
pose board.

Corporate
powers.

Elect offi-
cers.
Vacancies,
how filled.

May acquire
real and
personal
property.

Common
seal.

SECTION 3. That the following named citizens of the United School Districts Nos. 102 and 103 and 54 and 82, viz: Caleb S. Luff, Jacob Friedel, John M. Waldman, Henry O. Baynum, Robert W. Hargadine, James C. Mitten and Samuel S. Herring, and their successors as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid; and as such shall have full power and authority to devise, establish and modify from time to time a plan and system of education for the youth between the ages aforesaid in the said consolidated districts, and to superintend the same; to appoint, suspend, remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner caused until the next election for members of the board; and take, acquire, receive, hold, and enjoy for the purposes aforesaid moneys, and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, or such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this state, or elsewhere, and have a common seal, with power to alter the same at pleasure; and shall generally have all the rights, powers, privileges and franchise incident to corporations and necessary and convenient for carrying out the purposes of this act.

SECTION 4. That the persons named as corporators in this act shall constitute the board of education until the first Saturday in April, A. D. eighteen hundred and eighty-five, or until their successors are duly elected and qualified. The

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first election for the members of the board of education shall take place on the first Saturday in April, A. D. eighteen hundred and eighty-five, at which three persons shall be elected to serve for the term of one year, three for the term of two years, and one for the term of three years, and on the first Saturday in April annually thereafter to fill vacancies caused by the limitation to the terms of office prescribed, or in any manner whatsoever. The election shall be held in the afternoon; the polls opened at one o'clock, or within thirty minutes thereafter, and closed at four o'clock. The members shall not receive pay or emolument, nor be allowed any compensation for their services, except the secretary, who may be allowed an amount not exceeding ten dollars in any one year, at the discretion of the board. The board shall elect one of their number president, who shall be the presiding officer of said board, and shall also elect a secretary and a treasurer, who may or may not be a member or members of said board. The offices of secretary and treasurer may be held by the same person. The board shall appoint the place for holding the annual or any special election, and give notice thereof ten days previous to the time of holding said election, by handbills, under the signature of the secretary of the board, posted in five of the most public places in the consolidated district. The said board shall appoint an inspector of said election (not one of their number), who shall preside thereat; the secretary of said board shall act as clerk of said election. Within two days after any election the certificates of the result shall be delivered, under the hands of the inspector and clerk, as follows: One to the secretary of the board and one to each of the persons elected, which certificate shall be made out and signed as aforesaid immediately after counting the vote. The board shall be the judges of the election of its members, who must have paid a school tax in said consolidated districts, and must be elected by the voters within the year preceding the election having the same qualifications as required to vote at general elections. A plurality of votes shall elect. A majority of said board shall constitute a quorum.

Election of members of board, when

Terms of office.

No compensation, except to secretary.

Officers elected.

Qualification.

Place for elections.

Notice.

Inspector of election.

Certificates to whom delivered.

Judges of election.

Qualification of members.

SECTION 5. That the laws now in force, or that may hereafter be passed in this state with regard to illegal voting at school elections, shall apply to every case of illegal voting at any election authorized to be held under this act, and every inspector and clerk of elections authorized to be held under the provisions of this act failing to perform the duties re-

Illegal voting.

Inspector's duty. Failure to perform.

OF FREE SCHOOLS.

Penalty. quired of him, shall be held liable to the same penalty that now is imposed under the general school law upon the secretary at any annual meeting of the school voters of any school districts in this state for the failure to perform the duties imposed upon him by the general school law of this state.

Report of board to be hung up in public place

Settlement with Auditor of State.

SECTION 6. That the board of education shall, on or before the Monday next preceding the first Saturday in April, in every year, cause to be made out and hung up in some public place in said district a full report of their account and proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their number to settle with the Auditor of the State.

Authorized to sell property, purchase land, &c.

SECTION 7. That the said board of education shall have power to sell, either at public or private sale, and either for cash or upon credit, as they may deem best, and to convey by good and sufficient deed any real estate now belonging to said School Districts Nos. 102 and 103 and 54 and 82, and to purchase a site and suitable school buildings or a school building, or to erect, at a suitable and convenient place, a new school building or school buildings for the use of the aforesaid consolidated district, and to purchase a site upon which to erect the same.

May purchase with moneys of said districts and borrow not exceeding \$3,000.

SECTION 8. That it shall be lawful for the said board of education, and they are hereby expressly authorized and empowered to use, in the purchase of a suitable site and school building or buildings for the aforesaid consolidated district, any money or moneys that may be in the hands of any of the officers of the aforesaid consolidated Districts Nos. 102 and 103 and 54 and 82, and to borrow a sum of money, which, together with the surplus money and the sum or sums of money arising from the sale of the present school property, as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and the building or buildings so authorized to be bought or erected thereon; *provided, however*, that the sum so borrowed as aforesaid does not exceed the sum of three thousand dollars, and the same be made payable in ten equal annual installments, and to be secured by bond, or bond and mortgage, bearing interest at a rate not exceeding six per cent. per annum, upon the property of said district, signed by the president and treasurer of said board of education.

Payable in installments secured by bond and mortgage. Rate of interest.

OF FREE SCHOOLS.

SECTION 9. That it shall be lawful for the said board of education to levy and collect, in like manner as state and county taxes now or may hereafter be levied and collected, such additional sum of money as will be sufficient to pay off the annual interest and installments mentioned in the next foregoing section of this act. The said board of education shall have power and authority to levy and collect, as school taxes are now or may hereafter be levied and collected, such further sum of money as shall, in their judgment, be sufficient to carry on the schools in the said districts; *provided* that the sum so raised for school purposes in any one year shall not exceed the sum of eight hundred dollars in any one year.

May assess and collect taxes for payment of debt and support schools.

Sum for school purposes not to exceed \$800.

SECTION 10. That the board of education shall (if they conclude to build) obtain a plan for said building or buildings hereinbefore authorized to be erected, and advertise for sealed proposals for building and constructing the same; the contract shall be awarded to the lowest and best bidder, who shall give bond and security for the faithful performance of said contract in a penal sum double the amount of his bid.

Plan for buildings. Proposals.

Award of contract, to whom.

Bond with security.

SECTION 11. That the aforesaid board of education shall have power to buy a suitable site for school purposes, with buildings already erected thereon; *provided* that such a site and buildings do not cost a sum exceeding three thousand five hundred dollars when fitted for the necessities of the school.

May purchase buildings already erected at a cost not to exceed \$3,500.

SECTION 12. That the board of education shall have the same power and authority in collecting debts or taxes, as well as taxes that are now due said Districts Nos. 102 and 103 and 54 and 82; as those that may hereafter be levied upon the taxables of the said districts, that now is or may hereafter be conferred upon the commissioners of public schools in this state; and shall have the right to draw dividends from time to time, made and entered to the credit of School Districts Nos. 102 and 103 and 54 and 82, upon an order drawn by the president and attested by the secretary.

Powers of the board in collecting debts and taxes.

Right to draw school dividends.

SECTION 13. That each member of the board of education and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully, according to the best of his knowledge and judgment; such

Oath of members and officers, by whom administered.

OF FREE SCHOOLS.

oath or affirmation may be administered by the president of the board, or by any member thereof, as well as by any officer authorized by law to administer oaths.

Corporate
existence for
20 years.

SECTION 14. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same, or any of its provisions, be and the same are hereby repealed.

Treasurer's
bond.

SECTION 15. That the treasurer, before entering upon the duties of his office, shall give bond to the said board, with sufficient surety, for the faithful application of all moneys which may come into his hands as such treasurer.

Passed at Dover, February 25, 1885.

CHAPTER 458.

OF FREE SCHOOLS.

AN ACT to transfer the two farms of Caleb J. Smithers from United School Districts Nos. 54 and 82 to School District No. 31 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Certain real
estate trans-
ferred.

SECTION 1. That the two farms and dwellings of Caleb J. Smithers, now situated and lying in United School Districts Nos. 54 and 82 in Kent county, be and the same are hereby transferred to and shall hereafter constitute a part of School District No. 31 in said county.

Assessed for
school pur-
poses.

SECTION 2. That from and after the passage of this act the aforesaid farms shall be assessed for school purposes in School District No. 31 in Kent county.

Passed at Dover, February 26, 1885.

OF FREE SCHOOLS.

CHAPTER 459.

OF FREE SCHOOLS.

AN ACT to establish the Kenton Public School.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring), as follows :

SECTION 1. That on and after the first Saturday of April, A. D. 1885, School District No. 9 in the County of Kent, as the same is now bounded, or as it may hereafter be bounded, shall be governed, managed and its affairs administered and conducted by a board of five commissioners. School District No. 9, in Kent county, under board of commissioners.

SECTION 2. That David S. Wilds, William H. Moore, James B. Messick, Francis M. Burrows and John W. Graham shall be and they are hereby declared to be the first commissioners, and they shall be invested and charged with all the powers and duties by this act conferred, on, from and after the first day of April aforesaid, and shall continue to serve as such commissioners for the terms following, to wit : Commissioners.
 the said John W. Graham until the annual school election in the month of April, A. D. 1886; the said James B. Messick and William H. Moore until the annual school election in the month of April, A. D. 1887; and the said David S. Wilds and Francis M. Burrows until the annual school election in the month of April, A. D. 1888, and until their successors respectively shall have been duly elected and qualified, as hereinafter provided, with power to fill any vacancy that may occur in their own number by death, removal from the district, or refusal to serve; and the person or persons so chosen to fill such vacancy or vacancies shall serve until the next annual school election. Powers. Terms of office. Vacancies, how filled.

SECTION 3. That the members of the board of commissioners hereinbefore named, and their successors in office, shall be and they are hereby declared to be a corporation by the name, style and title of Kenton Public School, and by that name they and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to the establishment and maintenance of good schools for the education of all the children within the district aforesaid that are by the laws of this state entitled to be educated Corporate name. Corporate powers given.

OF FREE SCHOOLS:

in the public schools; and shall have full control of all the property, real and personal, which now belongs to or that may be hereafter acquired for the use of the said district, and the title thereto shall vest in the corporation hereby created for school purposes aforesaid; and the said corporation, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity, and may have and use a common seal.

Annual
election,
how held.

SECTION 4. That on the first Saturday of April, A. D. 1886, an election shall be held, in the mode and in accordance with all the requirements of law regulating the election of school committees, for the election of one commissioner to serve for three years, and also (in case of vacancy) one or more commissioners, each to serve for the unexpired term of the commissioner whose office shall have become vacant; and annually thereafter an election shall be held for the election of a commissioner or commissioners, in lieu of those whose term shall then expire, for three years, as well as for the election of another, or others, in lieu of any whose offices may have become vacant, for the unexpired term of the commissioner or commissioners whose office shall have become vacant.

Meeting of
commission-
ers for or-
ganization,
when.

Officers.

Oath, by
whom ad-
ministered.

Place of
meeting.

Duty of
commission-
ers.

SECTION 5. That the board of commissioners named in the second section of this act shall meet on the Monday succeeding the first Saturday of April, A. D. 1885, at the school house in said district, and proceed to organize the board by electing one of their own number president and another secretary; and the person so elected president shall thereupon swear or affirm every other member to perform his duties with fidelity, and one of the other members shall, in like manner, qualify the president; and on the Monday succeeding the first Saturday of April, in every year thereafter, the persons composing the said board of commissioners shall meet, either at the school house or at such other place in the said district as the board, by resolution, shall have established as its place of meeting, and organize and qualify in like manner.

SECTION 6. That in order to afford suitable facilities for the education of the children in the said district and to give them the advantages of a graded school, when needed, it is hereby made and declared to be the duty of the commissioners named in the second section of this act, as soon as possible after they shall have entered upon their duties, to select

OF FREE SCHOOLS.

a suitable and convenient site for the location of a new school house, and take the necessary steps to acquire title thereto, either by agreement with the owner, or, in case of inability to agree, in the same manner and by the like proceedings as now by law provided in that behalf, and shall, without delay, cause to be erected and constructed a suitable building, of two or more rooms, for the use of said district as a school house; and they are hereby expressly authorized and empowered to sell and dispose of the present school house to the best advantage and appropriate the proceeds thereof towards the purchase of the lot for a new school house as aforesaid.

Selection of
location for
school build-
ings.
Title.

Authorized
to sell pres-
ent school
house.
Application
of proceeds
of sale.

SECTION 7. That for the purpose of purchasing a lot, erecting such new school house and suitably fitting and furnishing the same; there shall be raised, by taxation, in the said district, the sum of two thousand dollars in manner following, viz: Five hundred dollars thereof in the year A. D. 1885; other five hundred dollars thereof in the year A. D. 1886; other five hundred dollars thereof in the year A. D. 1887, and the remaining five hundred dollars in the year A. D. 1888; and the same shall be assessed, levied and collected accordingly, and shall, when collected, be appropriated to the payment of the moneys expended in purchasing said lot and in erecting, constructing and furnishing the new school house aforesaid; *provided*, and it is hereby made the duty of the said commissioners, in assessing the tax by this section authorized, so far as the same shall be assessed upon real estate, to assess such real estate at its assessed value upon the last general assessment of Kenton hundred, instead of upon the clear rental value as required by law. When the said school house shall have been erected and completed, the corporation hereby created is expressly authorized and empowered to issue its bond for the sum of fifteen hundred dollars and to mortgage the new school house property to secure the payment thereof. Such bond and mortgage shall be payable in three equal annual installments; and the moneys to be raised by taxation in the years 1886, 1887 and 1888, shall, when and as soon as collected, be appropriated and applied towards the payment thereof.

May raise
by taxation
\$2,000.

Time.

Appropriation, how.

Proviso.

Mode of assessment.

Authorized
to issue
bonds and
mortgage.
School
house as
security.

SECTION 8. That commencing with the year A. D. 1885, and annually thereafter, there shall be raised in said district for general school purposes, by taxation, the sum of five hundred dollars. All dividends from the school fund which may

Taxation
for general
school pur-
poses.

OF FREE SCHOOLS.

* Dividend
from school
fund, how
paid.

be allotted to said District No. 9 shall be paid to the said corporation hereby created, on the written order of the President of the Board of Trustees under the seal of the said corporation, and such order shall constitute a sufficient voucher to the Trustee of the School Fund for the payment of any such dividend.

Appoint-
ment of
treasurer by
the board.
Bond.
Duties.

SECTION 9. That the board shall appoint a treasurer, who shall give bond, with sufficient surety, for the performance of his duty. He shall receive and disburse all moneys belonging to the said district under the order and subject to the resolution of said board, and shall keep an accurate and itemized account of all such receipts and disbursements in a record to be expressly provided for that purpose; and his accounts and vouchers shall be inspected and audited semi-annually by a committee of the said board, who shall make and enter upon such record a certificate showing the result of such audit, and this record shall be at all times subject to inspection by any taxable of the said district upon demand. The said board shall likewise have power to make, by-laws, rules and regulations for its own government and the government of the officers, agents and teachers, and the schools under its control. And the said board is hereby expressly invested with full power and authority to assess, levy and collect all the taxes by this act authorized, in the same manner and by the same agencies, and with the like powers as is now or may hereafter be provided by law for the collection of school taxes. The warrant annexed to any duplicate of any assessment list shall be signed by the president of the board, attested by the secretary, and have the corporate seal thereto affixed.

Accounts
audited by
committee.
Certificate
of commit-
tee.

Further
powers of
board.

Quorum of
board.
Vacancies
of officers,
how sup-
plied.
Vacancies
of members,
how filled.

Regular and
occasional
meetings of
the board,
when held.
Record.

SECTION 10. That a majority of the board shall constitute a quorum, and in case of any vacancy in the office of president, secretary, or treasurer, the board shall have power to fill the same. In case of the death of any member of the board, or in case any member shall remove out of the district, or refuse or omit to assume his duties, or to attend for three successive meetings, the board shall have power to elect another or others, in his or their stead, to serve until the next annual election. The board shall hold regular meetings on the third Monday in each month and occasional meetings, when necessary, upon the call of the president or any two members of the board. A record shall be kept of all the proceedings of the said board, and of all its orders and

OF FREE SCHOOLS.

resolutions, and the same shall be at all times subject to the inspection of any taxables upon demand.

SECTION II. This act shall be deemed and taken to be a public act.

Passed at Dover, March 10, 1885.

CHAPTER 460.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act Uniting the School Districts of Georgetown," passed at Dover, March 29, 1881.

A supplement to Chapter 365, Vol. 16.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION I. That the Board of Commissioners of the Georgetown Public Schools are hereby authorized and empowered to sell, at its discretion, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, the lot of land and buildings thereon now belonging to said united school districts, or to any or either of them, and also to purchase, take and hold suitable and convenient lot or lots of land, or site or sites for a new school house, and also to erect or cause to be erected, in a suitable and convenient place, a new school building or buildings, and fully to complete and furnish the same for the use of the said Georgetown Public Schools on the lot or lots so purchased by them.

Authorized to sell ground and buildings of said districts and to purchase site and erect buildings for school purposes.

SECTION 2. That the said Board of Commissioners of the Georgetown Public Schools be and the same are hereby vested with full power and authority to issue and sell, for the purpose of carrying into effect the provisions of this act, their bonds to an amount not exceeding in the aggregate the sum of six thousand dollars, and of the denominations of fifty and twenty-five dollars respectively, and in such proportions as

May issue bonds not to exceed \$6,000.

Denomination.

OF FREE SCHOOLS.

to each of those denominations as shall have been determined by said board of commissioners; which said bonds shall be dated on the first day of July, A. D. 1885, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at such rate as the said board of commissioners may determine, not exceeding six per centum per annum, payable annually on the first day of July in each year, while they remain unpaid, at the Farmers' Bank of the State of Delaware, at Georgetown, on presentation of the coupon representing said annual interest, each annual installment of interest being represented by coupons attached to said bonds; and said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of July, A. D. 1905, but may be redeemed, at the option of the said board of commissioners, at any time after the first day of July, A. D. 1890; *provided, however*, that no more of such bonds than shall amount, in the aggregate, at par value, to the sum of \$800.00, shall be redeemed by said board in any one year; *and provided further, however*, that if the said board of commissioners elect to redeem any of the said bonds according to their tenor, such redemption shall be effected on the first day of July and in pursuance of notice, signed by the president of said board of commissioners and the treasurer of said board, published in four consecutive issues of the newspapers published in Georgetown, in this state. Such notice shall indicate the bonds called, and in making the calls the said board of commissioners shall call the bonds according to their numbers, beginning with the lowest numbers.

Date, July
1, 1885.

Rate of in-
terest.
When and
where paya-
ble.

Redeema-
ble, when.

Proviso.

Notice of
redemption
to be pub-
lished.

Contents of
notice.

Board shall
direct prep-
aration,
time and
terms of sale
of bonds.

Application
of proceeds.

Exemp.
from taxa-
tion.

SECTION 3. That the said board of commissioners shall direct and effect the preparation, printing and sale of the bonds authorized by this act, at such time or times, and on such terms and for such sums, not less than their par value, as they may deem expedient, but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act; and the said bonds shall be signed by the president of said board of commissioners and treasurer of said board, shall be exempt from state, county and municipal taxation, and denominated Georgetown School Bonds, and shall be in the following form, to wit:

OF FREE SCHOOLS.

UNITED STATES OF AMERICA.

Form.

STATE OF DELAWARE.

United School Districts Nos. 67, 96, 106 and 107, of Georgetown, in the County of Sussex.

No. _____

These presents certify and make known that the "Board of School Commissioners of the Georgetown Public Schools" is held and firmly bound unto the bearer in the sum of _____ dollars, lawful money of the United States of America, which the said board of commissioners binds itself to pay to the bearer on the first day of July, A. D. one thousand and nine hundred and five, with interest at the rate of _____ per centum per annum, payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of January in each and every year until the principal be paid, upon presentation of the coupons hereto annexed representing such annual installment of interest; *provided, however*, and it is expressly stipulated that the said board of commissioners reserves to itself the power, at its option, to call in and redeem this bond on the first day of July, A. D. one thousand eight hundred and ninety, pursuant to the notice provided for by the act of Assembly, in accordance with the provisions of which this bond is issued; *and provided further*, that when this bond shall be called in by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of July next succeeding the date of such notice.

Dated at Georgetown, the first day of July, A. D. 1885.

Witness the seal of the said board of commissioners and the hands of the president and treasurer of said board.

{ CORPORATION }
{ SEAL. }

_____, Pres. of Board.
_____, Treasurer.

As the said interest coupons and said bonds are paid the same shall be cancelled, in such manner as the said board of commissioners shall direct. The bonds issued and sold by the said board of commissioners, in accordance with the provisions of this act, shall be a lien upon all real property situated and lying in said united school districts. Cancelled.

SECTION 4. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of the interest thereon, the said board of commissioners of the Georgetown Public Schools are hereby further authorized, empowered and directed to assess, raise and collect Special tax for payment of bonds and interest.

OF FREE SCHOOLS.

annually, in the same manner as now provided by law for assessing, raising and collecting the school taxes in said united school districts, such further sums of money as shall, in their judgment, be necessary and sufficient to meet the interest on said bonds as the same shall accrue, and to redeem the said bonds as the same shall be called in by the said board of commissioners, according to the provisions of this act. The sums assessed, raised and collected under and by virtue of the provisions of this section to be in addition to the sums assessed, raised and collected by the said board for ordinary school purposes; *provided* that the sums levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding and the par value of the bonds called in for that year by more than twenty per cent. of the aggregate amount of said interest and par value.

Proviso.

Section 6 of
Chapter 365,
Volume 16,
amended.

SECTION 5. That Section 6 of the Act of Assembly to which this is a supplement, be amended by striking out of the ninth line thereof the words "five hundred" and inserting in lieu of the same the words "twelve hundred," and that Section 7 of said act, to which this is a supplement, be amended by striking out of the sixth line thereof the words "five hundred" and inserting in lieu thereof the words "twelve hundred," and be further amended by striking out of the eighth line thereof the words "eight hundred" and inserting in lieu thereof the words "two thousand."

Passed at Dover, March 11, 1885.

CHAPTER 461.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 89 in Kent County.

Preamble.

WHEREAS it has been represented to the General Assembly, by the petition of residents of School District No. 89 in Kent county, that the school house in said district was burned in November last, and the people thereof deprived of the benefit of a school; and whereas there is now in the treasury of said district about three hundred dollars, which,

OF FREE SCHOOLS.

if applied toward the erection of a school house would enable the people to have and enjoy the benefit of a school at an early day; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That the commissioners of said School District No. 89 in Kent county, be and they are hereby authorized and empowered to appropriate and use the said sum of three hundred dollars, or thereabouts, now in the treasury of said district, towards the erection of a new school house in said district.

Appropriation by commissioners. Purpose.

Passed at Dover, March 12, 1885.

CHAPTER 462.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 98, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That it shall and may be lawful for the School Commissioners of School District No. 98 in New Castle County and State of Delaware, to use and appropriate toward the liquidation of the debt now upon the grounds and building, the property of said school district, such sum or sums of money as may be in the hands of said school committee at the time of holding their next annual meeting after the passage of this act.

Commissioners may appropriate certain moneys for payment of debt.

Passed at Dover, March 19, 1885.

OF FREE SCHOOLS.

CHAPTER 463.

OF FREE SCHOOLS.

AN ACT transferring the farm now belonging to James Morris and situated in Pencader Hundred, in School District No. 54, New Castle County, from said District No. 54 to School District No. 42 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain real estate transferred to School District No. 42 in New Castle county.

Privileges incident.

SECTION 1. That the property now belonging to James Morris, situated in School District No. 54 in New Castle county, shall hereafter be and form a part of School District No. 42 in New Castle county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said James Morris and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 42; and further that they are hereby relieved and discharged from the same in School District No. 54 in New Castle county aforesaid.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 24, 1885.

OF FREE SCHOOLS.

CHAPTER 464.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Board of Education of the Dover Public Schools,' passed at Dover, February 26, 1877," passed at Dover, March 8, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

SECTION 1. That the act entitled "An act to amend an act [entitled 'An act] to incorporate the Board of Education of the Dover Public Schools,' passed at Dover, February 26, 1877," passed at Dover, March 8, 1883, be and the same is hereby amended by striking out the words "thirty-five hundred," in the last line thereof, and inserting in lieu thereof the words "four thousand." Chapter 53,
current
volume,
amended.

Passed at Dover, March 25, 1885.

CHAPTER 465.

OF FREE SCHOOLS.

AN ACT for the relief of certain School Districts in Sussex County.

WHEREAS certain of the school districts in Sussex county, Preamble.
at the annual school meetings, held in April, A. D. 1883, failed to raise, by taxation, the sum required by the act of the Legislature entitled "An act appropriating money for Free Schools in this State, and for other purposes," passed at Dover, April 19, 1883; and whereas by the failure of the said districts to raise the full sum of seventy-five dollars by taxation, as by the said act required, they were deprived of their proportion of the money appropriated by the said act to Sussex county; therefore

OF FREE SCHOOLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Trustee of
School Fund
authorized
to pay
certain
dividends.

SECTION 1. That the Trustee of the School Fund be and he is hereby authorized and directed to pay to each and every school district in Sussex county that failed to raise by taxation the sum of seventy-five dollars for the year 1883, the full sum of money that the said district would have been entitled to had they fully complied with the requirements of the said act.

Passed at Dover, March 26, 1885.

CHAPTER 466.

OF FREE SCHOOLS.

AN ACT to transfer the land of William J. Daniels from School District No. 81 to School District No. 72, New Castle County.

Farm of W.
J. Daniels
transferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the farm and mansion of William J. Daniels, now situated and being in School District No. 81, be and the same is hereby transferred, and shall hereafter constitute a part of School District No. 72 in the county aforesaid.

SECTION 2. That from and after the passage of this act the farm and mansion aforesaid shall be assessed for school purposes in School District No. 72 in said county.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 27, 1885.

OF FREE SCHOOLS.

CHAPTER 467.

OF FREE SCHOOLS.

AN ACT transferring the farm belonging to Elizabeth W. Richards, and situated in School District No. 179 in Sussex County, from said District 179 to School District No. 76 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That the farm now belonging to Elizabeth W. Richards, situated in School District No. 179 in Sussex county, shall hereafter be and form a part of School District No. 76 in Sussex county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Elizabeth W. Richards, and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 76; *and further*, that they are hereby relieved and discharged from the same in said School District No. 179 in Sussex county aforesaid. This act shall be deemed and taken to be a public act.

Certain real estate transferred to School District No. 76, Sussex county.
Privileges.
Taxes.

Passed at Dover, March 30, 1885.

CHAPTER 468.

OF FREE SCHOOLS.

AN ACT to amend Chapter 357, Volume 15, Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That Chapter 357, Volume 15, Delaware Laws, being an act entitled "An act relating to School Districts Nos. 60 and 94 in New Castle county," passed at

Chapter 357, Volume 15, amended.

OF FREE SCHOOLS.

Dover, January 29, 1877, be and the same is hereby amended by striking out the word "twelve," in the seventh line of Section 5 of said act, and inserting in lieu thereof the word "eighteen."

Passed at Dover, April 1, 1885.

CHAPTER 469.

OF FREE SCHOOLS.

AN ACT to establish a Board of Education for South Milford, and to incorporate the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Certain districts consolidated.

SECTION 1. That School Districts Nos. 2, 100, 103 and 104, in Sussex county, be and they are hereby declared incorporated into one consolidated district, to be governed and managed by a board of public education, consisting of nine members, to be elected as hereinafter provided.

Corporation

Title.

Purposes.

SECTION 2. That from and after the passage of this act there shall be established in and for said consolidated districts a board of education, to be styled "The Board of Public Education for South Milford," whose design and purpose shall be the direction and management and superintendence of the public education of children in said consolidated districts between the ages of six and twenty-one years.

Members of Board of Education

SECTION 3. That the following named citizens of said consolidated districts, namely: Robert H. Davis, James H. Abbott, Sam'l H. Simpler, Wm. V. Sipple, Rob't H. Gilman, John O. Truitt, Jas. H. Truitt, Jas. B. Gilchrist and Geo. H. Hall, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby [created] a body politic and corporate for the purposes aforesaid, and as such shall have full power and authority to devise, establish and to modify from time to time a plan and system of education for

Powers.

OF FREE SCHOOLS.

children between the ages aforesaid in the said consolidated districts, and to superintend the same; to appoint, suspend and remove teachers and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies, in any manner however caused, until the next election for members of the board; and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys, and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in the State of Delaware, or elsewhere, and have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary or convenient for carrying out the purposes of their creation.

Common seal.

SECTION 4. That the persons named as corporators in this act shall constitute the board of public education until the Friday before the first Saturday in April, A. D. eighteen hundred and eighty-six, or until their successors are duly elected and qualified. The first election for the members of the board of public education shall take place on the Friday before the first Saturday in April, A. D. eighteen hundred and eighty-six, at which election three persons shall be elected to serve for the term of one year, three for the term of two years, three for the term of three years, and on the Friday before the first Saturday of April annually thereafter to fill vacancies caused by the limitations to term of office prescribed or in any manner whatever. The election shall be held in the afternoon, the polls opened at one o'clock, or within thirty minutes thereafter, and closed at four o'clock. The members shall not receive or be allowed any compensation, except the secretary and treasurer, for their services. The board shall elect a president and secretary (the latter shall also be treasurer) who shall be members thereof. The board shall appoint the place of election and give notice thereof for ten days previous to the time of holding said election, by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated districts. They shall appoint an inspector and an assistant inspector of said election (not members of the board), who shall preside thereat. The officers holding the

Election for members of board.

When held.

How conducted.

Manner of holding elections.

No compensation.

Officers of board.

Place of election.

Notice.

Election officers.

OF FREE SCHOOLS.

election shall, before opening the polls, each take an oath or affirmation, as follows:

Oath. I, _____ do solemnly swear (or affirm) that in holding the election this day for members of the board of public education, I will faithfully and impartially perform my duty and make true certificates of the result thereof, and deliver the same according to law, so help me God (or so I solemnly affirm.)

Who may administer. The inspector is authorized to administer this oath or affirmation to the assistant and he to the inspector. Within
Certificates of election. two days after any election, certificates of the result shall be delivered under the hands of the officers holding the election to each of the persons elected, which certificates shall be made out and signed as aforesaid immediately after counting the votes. The board shall be the judges of the election and
Qualification of members. qualifications of its members, who must, in addition to being qualified voters of said consolidated districts, have paid a school tax within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications. Plurality of votes to elect.

Illegal voting. SECTION 5. That if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector or assistant inspector shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required by the next foregoing section, any such person, inspector or assistant inspector shall
Penalty. forfeit and pay fifty dollars, to be adjudged on indictment and conviction in the Court of General Sessions in and for the County of Sussex, and to be paid to the board of public education aforesaid for the benefit of the schools under its charge.

Report to be published. SECTION 6. That the board of public education shall, within ten days after settling with the State Auditor in every year, cause to be published a full report of their accounts and proceedings during the past year, setting forth
Settlement with Auditor. aggregates under their appropriate heads; they shall also depute one of their members to settle with the Auditor of the State.

Tax levy. SECTION 7. That the board of education shall, at the annual meeting on Friday before the first Saturday of April

OF FREE SCHOOLS:

in each and every year, recommend the amount of money ^{Estimate.} necessary to carry on the schools, and for incidental expenses for the ensuing year, and submit the same to the voters at ^{Confirmation by voters.} such annual meeting, which may be adopted or rejected; and it is hereby expressly reserved to the voters to resolve what amount of money shall be raised by taxation for the purpose aforesaid, which shall in no case exceed eighteen hundred dollars, and that the taxes levied and collected for educational purposes in said consolidated districts shall be levied and collected as now provided by law, and the board of public education, in assessing the same, shall have all the ^{Assessment} power granted to county assessors by Section 10 of Chapter 10 of the Revised Code.

SECTION 8. That the board of public education shall ^{Taxes, how collected.} have the same power and authority in collecting taxes given to commissioners of public schools in this state, and shall have the right to draw dividends from time to time made and entered to the credit of School Districts Nos. 2, 100, 103, 104.

SECTION 9. That each member of the board of public ^{Oath of office of members of board.} education, before entering upon the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Said oath or affirmation may be administered by ^{How administered.} the president of the board, or by any member thereof, as well as by any officer authorized by the laws to administer oaths or affirmations.

SECTION 10. That the secretary and treasurer of said board ^{Treasurer's bond.} of public education shall be required to give full and sufficient bond, with approved security, for the faithful performance of his duties under this act, and which shall be sufficient to cover the full amount of money which may at any time come into the hands of said secretary and treasurer, and shall receive a compensation for his services as may be ^{Compensation.} determined and fixed by said board. He shall file a copy of proceedings of annual meeting with the Clerk of the Peace of Sussex County, and shall also record the proceedings in a ^{Record, &c.} book belonging to said consolidated districts, as is now provided by law.

SECTION 11. That for the purpose of providing more and ^{May issue bonds.} better school accommodations it shall and may be lawful for

OF FREE SCHOOLS:

Purpose. the board of education to rent, buy, or build a school house; and for the payment of the same the board may, in its discretion, issue bonds under the corporate seal, signed by the president and secretary, in a sum not to exceed two thousand dollars, bearing interest at the rate of six per centum, or less, per annum, and the faith of the consolidated School Districts Nos. 2, 100, 103 and 104 shall be pledged for the payment of the same and interest at maturity; *provided* the said bonds shall not be sold at a less price than the par value thereof.

Amount.

Interest.

Proviso.

SECTION 12. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed so far as they conflict with Districts Nos. 2, 100, 103, 114.

Passed at Dover, April 1, 1885.

CHAPTER 470.

OF FREE SCHOOLS.

AN ACT to authorize United School Districts Nos. 85 and 128 in Kent County to borrow money and secure the payment of the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Authorized
to borrow
\$1,500.

SECTION 1. That the commissioners of United School Districts Nos. 85 and 128 in Kent county, or their successors in office, are hereby authorized, directed and empowered to borrow a sum not exceeding fifteen hundred dollars, to be used for the purpose of paying off the debt on the new school house in said United Districts Nos. 85 and 128, and secure the payment of the same with interest in six equal installments on the 25th day of April in each year.

How paid.

Special tax.

SECTION 2. *And be it further enacted,* That the said commissioners, and their successors, are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school or schools directed to be

OF FREE SCHOOLS.

levied at the stated meetings) such sum as shall be necessary to meet said annual payments, and pay the same according to the conditions upon which it was borrowed.

Passed at Dover, April 2, 1885.

CHAPTER 471.

OF FREE SCHOOLS.

AN ACT to authorize School Districts Nos. 113 and 113½ in Kent County to sell its school property, purchase other property, and borrow money.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school committee of United School Districts 113 and 113½ in Kent county be, and they are hereby authorized and empowered to sell, either at private or public sale, and either for cash or on credit, and to convey by good and sufficient deed or deeds, any real estate now belonging to the said united school district, and also to purchase, take and hold a convenient lot of land or site for a new school house, and also to erect thereon a suitable new school building or buildings for the use of the said united district; or if the said school committee shall think proper, it is hereby authorized and empowered to purchase, take and hold any building or buildings now erected within the limits of said district with the lot of land upon which the same may be located, and also to repair, alter or change the said building or buildings so as to make them suitable and convenient as a school building or buildings for the use of said district.

Authorized
to sell present
school
property.

Purchase
other land
or buildings.

SECTION 2. That the said committee is hereby further authorized and empowered to borrow any sum of money not exceeding thirty-five hundred dollars, for the purpose of carrying into execution the provisions of Section 1 of this act, and which said sum of money so authorized to be borrowed may be borrowed at one time and of one individual or corporation, or in different sums and at different times, or of

Authorized
to borrow
\$3,500.00.

OF FREE SCHOOLS.

one or more individuals or corporations; *provided* that in the whole the school committee shall not borrow more than thirty-five hundred dollars for the purposes aforesaid.

Issue bonds.

Execute mortgage to secure bonds.

SECTION 3. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said school committee is authorized and empowered to make and execute and to deliver to the loaner or loaners the bond or bonds of said united school district, and also a mortgage or mortgages upon any or all real estate owned by the said united school district at the time of the execution thereof, which bond or bonds, or mortgage or mortgages, shall be signed by the said school committee, and shall be sealed by the seal of the said united school district hereinafter provided for. Such bond or bonds, or mortgage or mortgages, shall be made to become due and payable in ten equal annual installments with the accrued interest on the whole sum unpaid, and shall bear interest at any rate not exceeding six per cent. per annum.

Special tax.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized by this act with its interest, the said school committee of the said united school district is hereby further authorized and empowered to assess, raise and collect, as now provided by law, in addition to the amount which may be fixed and determined upon by the school voters of said united school district at the annual stated meeting held in April of each year for the purpose of running the schools in said united school district, a sum not exceeding in any one year five hundred and fifty dollars.

Amount.

Deeds, &c., how executed.

Common seal.

SECTION 5. That to enable the said school committee properly to execute the deed or deeds, bond or bonds, and mortgage or mortgages contemplated by this act, the said school committee is hereby directed and required to procure a common seal for the use of the said united school district, with such device thereon as the said committee may determine, *provided* that the name "United School Districts Nos. 113 and 113½ in Kent County, State of Delaware" shall be engraved thereon, which said seal shall be affixed to the said deeds, bonds and mortgages at the time they are executed.

SECTION 6. This act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1885.

OF FREE SCHOOLS.

CHAPTER 472.

OF FREE SCHOOLS.

AN ACT to transfer the farm of E. B. Edwards, now in the tenure of H. C. Walker, from School District No. 80 to School District No. 69, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION I. That the farm of E. B. Edwards, now in the tenure of H. C. Walker, situated in School District No. 80, is hereby transferred from said School District No. 80 to School District No. 69, New Castle County, and all persons hereafter residing on said farm shall be subject to all the duties and liabilities of taxables of said School District No. 69.

Farm of E.
B. Edwards
transferred.

Passed at Dover, April 8, 1885.

CHAPTER 473.

OF FREE SCHOOLS.

AN ACT authorizing the School Committee of School District No. 47, Sussex County, to levy an additional tax of Fifty Dollars for the purpose of completing the School House in said district.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the school committee of School District No. 47, Sussex county, be and they are hereby authorized to levy an additional tax of fifty dollars, for the purpose of completing the school house in said district.

Authorized
to levy \$50
additional.

Passed at Dover, April 8, 1885.

OF FREE SCHOOLS.

CHAPTER 474.

OF FREE SCHOOLS.

AN ACT to transfer the farm and dwelling of James R. Needles from School Districts Nos. 102 and 103 to School District No. 104 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Farm of Jas.
R. Needles
transferred.

SECTION 1. That the farm and dwelling of James R. Needles, now situated in School Districts Nos. 102 and 103 in Kent county, be and the same is hereby transferred and shall hereafter constitute a part of School District No. 104 in said county.

Where
assessed.

SECTION 2. That from and after the passage of this act the aforesaid farm and dwelling shall be assessed for school purposes in School District No. 104 in Kent county.

Passed at Dover, April 8, 1885.

CHAPTER 475.

OF FREE SCHOOLS.

A SUPPLEMENT to an act entitled "An act to amend Chapter 357, Volume 15, Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorized
to raise
\$1,800.

SECTION 1. That the Board of Education of the Middletown school be and is hereby authorized and empowered to levy and raise by taxation, in its discretion, any sum between twelve hundred dollars and eighteen hundred dollars, as provided by the act to which this is a supplement, passed at Dover, April 1st 1885, for school purposes for the present school year, notwithstanding the annual school meeting having been held.

Passed at Dover, April 8, 1885.

OF FREE SCHOOLS.

CHAPTER 476.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of 'The Millsboro' Public School.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That the Board of Directors of the Millsboro' Public School and their successors, constituted by the act entitled "An act to consolidate School Districts Nos. 23 and 161 in Sussex county under the title of 'The Millsboro' Public School'" as amended by Chapter 55 of Volume 17 of the Laws of Delaware, be and they are hereby ordained and declared to be a body corporate and politic by the name of "The Board of Directors of the Millsboro' Public School," and by that name shall have continuance for the period of twenty years from the passage of this act, and shall be capable to sue and be sued, implead and be impleaded, answer and be answered, appear, prosecute and defend to final judgment, decree and execution in all courts, and in every place whatsoever, and before any judge or justice, in all manner of suits and proceedings in law or equity, to have and use a common seal, to break, alter, or renew the same at pleasure, to make contracts and to purchase, hold, sell, alien and convey property, real, personal and mixed, for the purposes provided for in and subject to the limitations of the said act to which this is a supplement, to devise, establish and modify from time to time a plan and system of education for children in said consolidated districts between the ages of six and twenty-one years, and to superintend the same, to appoint, suspend and remove teachers, to make by-laws, rules and regulations for their own government, and for the government of the teachers and schools under their superintendence, and generally to exercise such powers as may be necessary to enforce and carry out the provisions of the said act, to which this is a supplement.

SECTION 2. The annual election of directors, on the first Saturday in April in each and every year, provided for in Section 4 of said act, to which this is a supplement, shall

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be held in the afternoon, the polls to be opened at one o'clock, or within thirty minutes thereafter, and closed at four o'clock. The board of directors shall appoint the place of election, and shall give notice thereof, for ten days previous to the time of holding said election, by handbills under the signature of the secretary of the board, posted in five public places in the said consolidated districts. They shall appoint an inspector and an assistant inspector of said election (not members of the board) who shall preside thereat. Within two days after any election the certificates of the result shall be delivered under the hands of the officers holding the election, as follows: One to the secretary of the board, and one to each of the persons elected, which certificates shall be made out and signed as aforesaid immediately after counting the vote. The board shall be the judges of the election of its members, who shall be qualified school voters in the said consolidated districts. A plurality of votes shall elect.

Place.
Notice.

Election
officers.

Certificates.

Publish
report.

SECTION 3. That the board of directors shall, on or before the Monday next preceding the first Saturday in April in every year, cause to be published, by handbill or otherwise, a full report of their accounts during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their members to settle with the Auditor of the state.

Special tax
to pay bonds
and interest.

SECTION 4. The said board of directors are further empowered and are hereby directed and required to pay each and every year the sum of two hundred dollars of the principal of the bond or bonds issued in pursuance of the provisions of the said act to which this is a supplement, together with the interest thereon, and the interest on the whole sum (authorized to be borrowed by said act) remaining unpaid until the said bond or bonds shall have been fully paid and satisfied, and in addition to the amount necessary for the support of the "Millsboro' Public School," the said board of directors shall annually assess, raise and collect, by taxation, a sum sufficient to pay the said sum of two hundred dollars of the principal of the said bond or bonds with the interest as aforesaid.

Amount of
tax to be
raised.

SECTION 5. The said board of directors shall every year determine the amount to be raised by taxation for the support of the said "The Millsboro' Public School," which sum shall not exceed five hundred dollars in addition to the

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amount provided for in Section 4 of this act. In making their assessment and in the levy and collection of taxes the said board of directors shall be governed by the laws of this state applicable to free schools, so far as the said laws are not inconsistent with the provisions of this act or of the act to which this is a supplement, and the said board of directors, or such as may be appointed by them to collect the taxes authorized by this act and by the act to which this is a supplement, shall have the same power as is now given by law to a collector of county rates.

Powers of
collector.

SECTION 6. This act shall be deemed and taken to be a public act and published as such.

Passed at Dover, April 9, 1885.

CHAPTER 477.

OF FREE SCHOOLS.

AN ACT to divide School District No. 77, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Isaac D. Phillips, Benjamin Rothwell and Vincent G. Flinn be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorized, as soon as convenient after the passage of this act, to go upon the land embraced within the limits of School District Number Seventy-Seven (No. 77) in New Castle county aforesaid, and, if necessary, take with them a skillful surveyor and divide said district into two parts in such manner as they or a majority of them may think proper, making two separate school districts; and it shall be the duty of the commissioners, or a majority of them, after the said district shall have been by them laid out and divided, to make a correct plot and return of their proceedings under this act, and the same to be returned to the Levy Court and Court of Appeals of said county at its next session after the said plot and return or after proceedings shall have been made as aforesaid, for

Commissioners.

School District No. 77 in New Castle county to be divided.

Plot and return.

OF FREE SCHOOLS.

Division
line.How num-
bered.
Original
school dis-
trict.Oaths or
affirmations
of commis-
sioners.
Compensa-
tion.Rights and
privileges of
new school
district.

confirmation by said court, the said return to be signed by a majority of the said commissioners; and the said plot or other proceedings shall designate the division line of said districts, and the additional district created by this act shall be numbered in continuation of the school districts in said county, and the part in which the school house is located shall be in the original School District No. 77.

SECTION 2. The commissioners appointed by this act shall, before entering upon their duties, be sworn or affirmed to perform said duties with fidelity, and shall receive one dollar for each days service under this act. The surveyor, if any shall be engaged, shall also receive a proper compensation for his services, to be allowed by the Levy Court aforesaid.

SECTION 3. The additional school district to be formed under this act shall have all the rights, authority and privileges of the school districts of this state. The Clerk of the Peace, as soon as the return of the commissioners shall have been confirmed by the Levy Court aforesaid, shall inform the Trustee of the School Fund thereof.

Passed at Dover, April 9, 1885.

CHAPTER 478.

OF FREE SCHOOLS.

AN ACT to Change the Boundaries of School District No. 71 in Kent County, and to authorize the erection of a new School House therein.

Commis-
sioners.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That J. Colby Smith, Peter K. Meredith, Ezekiel Frazier, George W. Anderson and William P. Lindale be and they are hereby appointed commissioners to go upon School District No. 71 in Kent county, and the district contiguous thereto, and lay out a school district of suitable size and shape, with the village of Woodside as its centre, as nearly as may be convenient, having regard to the convenience of such contiguous district, and in so doing the

OF FREE SCHOOLS.

said commissioners shall have power to take such portion of territory from adjoining districts as they may think proper, and add the same to the district so to be laid out, and also to cut off from said district No. 71 such portions as they may deem advisable (*provided* that in the creation of the new district as provided by this act no existing district shall be reduced below the number of children of school age now required by law) and incorporate the same or any part thereof into any adjoining district, and when they shall have so laid out the said district the same shall be District No. 71, and the portion so annexed to any other district shall form part of such other district as fully as if it had originally belonged thereto. In the performance of such duty the said commissioners shall employ a surveyor and chain-carrier, and the said commissioners shall cause to be made a plot of the said District No. 71 as reformed and laid out, and also of so much of the adjoining districts, whose boundries have been changed, as shall be necessary to show the alterations made and the territory taken from or added to each, and shall accompany said plot with a general description or explanation thereof, and shall return the same certified under their hands and seals into the office of the Clerk of the Peace of Kent County, and the said plot and description shall be evidence of the boundaries of the said District No. 71 and of the several adjacent districts whose lines have been changed, so far as the same have been altered by the said survey.

Plot and
return.

Filled with
Clerk of the
Peace.

SECTION 2. *And be it further enacted,* That the location for the school house for the said School District No. 71 shall be in the village of Woodside, at such convenient place therein as the committee of said district now being or hereafter to be elected may procure for that purpose, and the said committee now being or hereafter to be elected shall procure a suitable lot in said village and shall erect thereon a sufficient and commodious house for school purposes for said District No. 71, and shall furnish the same, and when the same shall have been built and furnished shall have authority to sell the school house now belonging to said district, but until the same shall have been so built and furnished the school house now occupied shall be held and used as the school house of said District No. 71 as laid out by the commissioners under this act.

Location of
new school
building.

Authorized
to sell old
school
buildings.

SECTION 3. *And be it further enacted,* That for the construction and furnishing of the said school house and for

Additional
taxation not
exceeding
\$1,000.

OF FREE SCHOOLS.

procuring the lot of ground on which to build the same, the school committee of said School District No. 71 shall have authority to assess and collect within said district, in addition to the sum of money now authorized to be raised, and in addition to the sum that may accrue from the sale of the present school house, a further sum of money, not exceeding the sum of one thousand dollars, which additional sum so authorized to be raised may be assessed and collected in any one year, or may be distributed through a series of years, as may be deemed advisable by the said committee; and in order more speedily to realize the sum necessary for the purpose aforesaid, by way of anticipation, it shall and may be lawful for the school committee of said School District No. 71 to borrow the same, or any part thereof, in the whole or such sums as the committee may determine, and to issue bonds therefor for such sum or sums so borrowed to an amount not exceeding, in the whole, the sum of one thousand dollars, bearing interest at any rate not exceeding six per centum per annum, and payable at such time or times as the committee may judge proper, which said bonds shall be under the hands of the said committee and be sealed with the corporate seal of the said School District No. 71; and for this purpose the committee of the said district is authorized and directed to procure a seal; and further to secure the payment of the said bonds the said committee shall have power to execute a mortgage, conveying in mortgage any real estate owned by said District No. 71, which said mortgage shall be executed in like manner and with the same formalities as the said bonds, and shall be acknowledged by the said committee as the mortgage of School District No. 71, and when so executed and acknowledged and lodged in the Recorder's office of Kent county for record it shall be a lien on the property thereby conveyed in mortgage; and the said committee shall have power to assess and collect within the said district from time to time the money necessary to pay the said bonds, with interest thereon, in the same mode as school taxes are assessed and collected.

Authorized
to issue
bonds.

Amount.

Under cor-
porate seal.

Bonds se-
cured by
mortgage.

Lien.

Proceeds of
school
buildings.

How
applied.

SECTION 4. *And be it further enacted,* That when the house now occupied as a school house shall have been sold, as provided in this act, the money obtained therefor shall be applicable to the payment of the purchase money of the lot herein authorized to be procured and to the expense of building and furnishing the house hereby directed to be built

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and furnished, and shall be in addition to any enlargement of the sum of one thousand dollars hereinbefore mentioned.

SECTION 5. *And be it further enacted,* That before the commissioners, surveyor and chain-carriers shall proceed to execute the duties hereby enjoined upon them, they shall severally be sworn or affirmed to discharge their respective duties with fidelity, and any of the said commissioners shall have authority so to qualify each other and the surveyor and chain-carriers respectively. In case of a vacancy among the commissioners hereby appointed by death, refusal to serve, or otherwise, the remaining commissioners shall have power to fill any and every such vacancy from persons being freeholders residing outside of any school district that may be affected and not owning lands therein. All the commissioners shall go upon the grounds hereby directed to be viewed, but a majority shall decide any matter, and the report and return of a majority shall be as valid and effectual as if the whole had concurred. They may adjourn from day to day or from time to time, as may be convenient, for the transaction of their business enjoined by this act.

Oaths of
commission-
ers and oth-
ers.

Vacancies,
how filled.

Report of
commission-
ers.

SECTION 6. *And be it further enacted,* That the expenses contemplated by this act shall be borne by School District No. 71, as so laid out. The pay of the commissioners shall be one dollar per day for the time actually employed. The pay of the surveyor and chain-carriers shall be fixed by the commissioners, whose decision shall be final; and as a convenient, but not exclusive, method of payment for the said services and of the cost of drawing this act and all other expense attending the completion of the laying out and change of the boundaries of said School District No. 71, the Trustee of the School Fund shall, upon the certificate of the school committee of said district certifying the sum due to each person for the performance of any of said services, pay to such person, or to his order or assigns, the sum so certified to be due respectively, out of the dividend to which such school districts may at any time hereafter be entitled, and any such payment shall be valid as a proper payment of so much of any such dividend.

Expenses,
how borne.

Compensa-
tion.

Payment by
Trustee of
School Fund

SECTION 7. *And be it further enacted,* That in case there be any tax heretofore assessed and which is still outstanding, or any tax which shall be assessed during the present calendar year before the said commissioners shall have laid out the said district as aforesaid, then the said tax heretofore

Taxation.

OF FREE SCHOOLS.

assessed, or that may hereafter be assessed as aforesaid, shall and may be collected in the same manner and by the same person and for the same uses and purposes as if this act had not been passed.

SECTION 8. That nothing contained in this act shall be construed so as to authorize or empower the said commissioners to exclude from the said school district any farm or lands now in said district without the consent of the owners thereof.

Passed at Dover, April 10, 1885.

CHAPTER 479.

OF FREE SCHOOLS.

AN ACT authorizing and empowering the School Committee of School District 69, New Castle County, to sell the lot of land and the house thereon belonging to said School District, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Authorized to convey present lot and building and erect new building.

SECTION 1. That the school committee of School District No. 69, New Castle county, are hereby authorized and empowered to sell, at private or public sale, and convey, by good and sufficient deed of conveyance to the purchaser thereof, the lot of land and the building thereon now belonging to the said School District No. 69, and to purchase, take and hold in fee, a suitable and convenient lot of land, and erect thereon a new building for a school house for said school district.

School committee may expend not exceeding \$150.00.

SECTION 2. That the school committee aforesaid are further authorized and empowered to use or expend a sum not exceeding one hundred and fifty dollars, out of the money in the hands of the said school committee, for the purpose of purchasing a lot of land and erecting thereon a building, as provided for in Section 1 of this act.

Passed at Dover, April 8, 1885.

OF FREE SCHOOLS.

CHAPTER 480.

OF FREE SCHOOLS.

AN ACT authorizing the Commissioners of School District No. 81, New Castle County, to Borrow Money.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school commissioners of School District No. 81 in New Castle county be and are hereby authorized and empowered to borrow a sum of money, not exceeding fourteen hundred dollars, for the purpose of paying the indebtedness on said school house in said School District No. 81, and for the purpose of purchasing a lot of land adjoining the school property in said school district, known as the Lank property.

Authorized
to borrow
not exceed-
ing \$1,400.

Purpose.

SECTION 2. The sum named in Section 1 of this act shall be borrowed for such time and at such rate of interest, not exceeding six per cent. per annum, as they shall deem fit; and the said commissioners are authorized to secure the payment of the same, with the interest thereon, by a bond and mortgage, under their hands and seals as commissioners aforesaid, on the school house and premises situated in and belonging to said School District No. 81.

Loan
secured by
bond and
mortgage.

SECTION 3. That the money borrowed as aforesaid shall not be used nor applied to any other purpose than that named in Section 1 of this act; and the said school commissioners for said School District No. 81 shall, in their every levy of taxes hereafter, provide for the payment of the interest on said bond and mortgage, and further, in their discretion, provide for the reduction of and final payment of the principal of said bond and mortgage.

Funds, how
used.

Passed at Dover, April 14, 1885.

OF FREE SCHOOLS.

CHAPTER 481.

OF FREE SCHOOLS.

AN ACT to authorize the School Commissioners of United School Districts Numbers 39 and 41 in New Castle County to straighten the lines and sell or exchange a portion of land belonging to said United Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commiss-
sioners.

Powers.

SECTION 1. That the school commissioners of the United School Districts Nos. 39 and 41 are hereby authorized and empowered to sell or exchange such portions of land belonging to said districts that is not needed for school purposes or that will enable them to straighten the lines of said united districts.

Proceeds of
sale, how
applied.

SECTION 2. That the proceeds arising from the sale or exchange of said property shall be applied toward the fencing, paving and improvement of said school property.

Passed at Dover, April 14, 1885.

CHAPTER 482.

OF FREE SCHOOLS.

AN ACT authorizing School District No. 179 in Sussex County to raise Additional Money.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional
taxation
authorized.

Taxes, how
applied.

SECTION 1. That the school committee of School District No. 179 in Sussex county be and they are hereby authorized and empowered to levy and collect, out of the taxables and taxable property in the said district, the sum of eighty dollars in addition to the amount authorized to be collected by the school voters in the said district at the annual school meeting held in the said district on the fourth day of April last, A. D. 1885; the said sum authorized by this act to be collected to be expended by the said committee

OF FREE SCHOOLS.

in liquidating the debt of the said committee, incurred in building the school house in said district, and for no other purpose.

SECTION 2. That the money hereby authorized to be levied and collected shall be levied and collected as the money authorized by the school voters of the said district is levied and collected; and the said school committee shall have all the powers in levying and collecting the sum of money authorized by this act as they have in the levying and collecting of the amount of money authorized to be raised by the school voters of the said district. ^{Levy, how made.}

Passed at Dover, April 14, 1885.

CHAPTER 483.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 84 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school commissioners of School District No. 84 in Sussex county, or their successors in office, be and they are hereby authorized, directed and empowered to borrow, upon such terms and conditions as in their discretion they may think best, the sum of six hundred dollars, for the purpose of purchasing a school lot and erecting and furnishing a school house for said district, and to secure the payment of the same, with interest, in twelve equal installments, on the 25th day of June in each and every year. ^{Authorized to borrow \$600.00. Purpose.}

SECTION 2. *And be it further enacted,* That the said commissioners, and their successors in office, are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment, and pay the same according to the conditions upon which the said sum of six ^{Additional taxes.}

OF FREE SCHOOLS.

hundred dollars was borrowed, the same to be levied as other school money is levied in said district.

Money expended.

Vouchers, when and to whom presented.

SECTION 3. *And be it further enacted*, That the money borrowed under the authority of Section 1 of this act shall be expended by the authority and under the supervision of the commissioners, who shall present their accounts, together with vouchers, to the school voters of said district at the annual meeting of said voters for settlement.

Passed at Dover, April 14, 1885.

CHAPTER 484.

OF FREE SCHOOLS.

AN ACT regulating the Boundaries of School District No. 51 in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Land of Clarence Jamison transferred to District No. 51,

Boundaries.

Taxation.

SECTION 1. That the farm, tract or parcel of land now owned or held by Clarence Jamison, situate in Red Lion hundred, in School District No. 88 in New Castle county, be and the same is hereby taken from said district and transferred and attached to School District No. 51, known as the Franklin district, in the hundred and county aforesaid, and that the boundaries of School District No. 51 are hereby continued and extended so as to include and embrace all of the said farm or tract of land; and that from and after the passage of this act all persons, land, and taxable property liable to taxation for public school purposes, residing, situate or located within the boundaries of School District No. 51, as are hereby enlarged, extended and established, shall be included in the assessment of taxes for the support of the public school in said district.

Passed at Dover, April 15, 1885.

OF FREE SCHOOLS.

CHAPTER 485.

OF FREE SCHOOLS.

AN ACT authorizing the School Commissioners of District No. 84 in New Castle County to expend certain money for the use of said school.

WHEREAS at the stated meeting of the voters of School District No. 84 in New Castle county it was unanimously resolved that the balance of sixty dollars now in their hands should be expended in and about the improvement and furnishing of the school house in said district ; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school commissioners of School District No. 84 in New Castle county be and they hereby are authorized and empowered to expend the sum of sixty dollars (it being the unexpended balance of the school fund for said district now in their hands) for the purpose of improving and furnishing the school house in said district.

Authorized
to expend
for school
building.

Passed at Dover, April 15, 1885.

CHAPTER 486.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 1 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That the school committee of School District No. 1 in Kent county be and they are authorized, empowered and directed to change the site of the school house in said district to some more central and convenient point therein, and for this purpose they are hereby empowered to purchase and acquire title, for the use of said district, of a lot suitable for the purpose, and to build and erect a new school house thereon.

May change
location and
purchase
other
ground.

OF FREE SCHOOLS.

Sale of
school house
and lot.

SECTION 2. That the said committee are hereby authorized and empowered to sell and convey the present lot used for school purposes in said district, together with the buildings thereon, and when such sale shall be made, a deed, signed by the said school committee, or any two of them, and duly acknowledged before a notary public, shall be valid and effectual to pass to the purchaser a good and sufficient title to the premises.

Title.

Proceeds of
sale, how
applied.

SECTION 3. That the proceeds of sale of the said school house and lot shall be appropriated and applied towards the cost of purchasing a lot and erecting a new school house for the use of the said district, and to no other purpose whatsoever.

Committee
may rent.

SECTION 4. That until such new school house shall have been erected the said committee are hereby empowered to rent a suitable house or room for the use of a school in said district, in case they shall consider it advisable to do so.

Passed at Dover, April 15, 1885.

CHAPTER 487.

OF FREE SCHOOLS.

AN ACT to extend the limits of School District No. 53 in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Edward
Lester's
farm trans-
ferred.

SECTION 1. That the farm and mansion of Edward Lester (known as the Clark Farm), now situated and lying in School District No. 88 in New Castle county, be and the same is hereby transferred, and shall hereafter constitute a part of School District No. 53 in the county aforesaid.

How
assessed

SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed for school purposes in School District No. 53 in New Castle county, and is hereby relieved and discharged from the same in School District No. 88 in said county.

OF FREE SCHOOLS.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1885.

CHAPTER 488.

OF FREE SCHOOLS.

AN ACT to authorize the Commissioners of United School Districts Nos. 22 and 29 in Kent County to borrow money for the purpose of remodeling and improving the School House in Camden, now the property of said united districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Dr. John W. Sharp, clerk, George H. Gildersleeve and Levi S. Proud, commissioners of United School Districts Nos. 22 and 99, Kent county, or their successors in office, are hereby authorized, directed and empowered to borrow, upon such terms and conditions as in their discretion may deem best, such sum or sums of money as may in their judgment be required, not exceeding twenty-five hundred dollars, to be used for the purpose of remodeling and improving the school house in said United Districts Nos. 22 and 99, and to secure the payment of the same, with interest, in five equal annual installments on the 15th day of July in each year.

Commissioners authorized to borrow not exceeding \$2,500.

Purpose.

SECTION 2. *And be it further enacted,* That the said commissioners, and their successors in office, are hereby authorized, directed and required to levy and collect, yearly, in addition to the tax for carrying on the schools directed to be levied at the stated meetings, such sum as shall be necessary to meet said annual payments and to pay the same according to the conditions upon which it was borrowed.

May levy additional taxes.

Passed at Dover, April 10, 1885.

OF FREE SCHOOLS.

CHAPTER 489.

OF FREE SCHOOLS.

AN ACT to divide School District No. 90, in Sussex County, into two districts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

Boundaries.

SECTION 1. That School District No. 90 in Sussex county, as extended and enlarged by an act of the General Assembly of the State of Delaware, entitled "An act to incorporate and enlarge School District No. 90, in the town of Bridgeville, Sussex county, and for other purposes," passed at Dover, April 5, 1883, be divided into two school districts by the following dividing lines: Beginning at a point in the middle of the public road leading from the town of Bridgeville to the town of Seaford in Sussex county, where the said public road intersects the dividing line between School Districts Nos. 90 and 143 in the said county, and running thence with the middle of the said public road in a northerly direction to a point in the middle of the said public road opposite the centre of Market street in the said town of Bridgeville, thence running with the middle of the said Market street in a westerly direction and on with the middle of the public road leading from the said town of Bridgeville to Horsey's Cross-Roads to a point in the last mentioned road where the said road intersects the dividing line between the said School District No. 90 and School Districts Nos. 143 and 166 in Sussex county, and that all that part of the said district No. 90, as heretofore enlarged, lying south and west of the said dividing line, shall be known and designated as School District No. 90, and that part of the said No. 90, as heretofore extended, lying north and east of the said dividing line, shall be known and designated as District No. 90½ in Sussex county aforesaid, and the new school district created by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of a school district in this state, and be entitled to its proportional share of the school fund of this state apportioned to Sussex county, and shall be numbered 90½ of the school districts of Sussex county.

Name of district.

Rights and privileges.

OF FREE SCHOOLS.

SECTION 2. That from and after the passage of this act District No. 90 and No. 90½ in Sussex county, as created and bounded by the foregoing section of this act, shall form one united school district, to be known as School District No. 90 and No. 90½, and to be governed and managed by a board of public education, consisting of six members, to be elected as provided by the act entitled "An act to incorporate and enlarge School District No. 90 in the town of Bridgeville, Sussex county, and for other purposes," passed at Dover, April 5, 1883, and that all the provisions of the said act entitled "An act to incorporate and enlarge School District No. 90 in the town of Bridgeville, Sussex county, and for other purposes," as amended by this act, shall extend and apply to the United School Districts No. 90 and No. 90½.

SECTION 3. That the said act entitled "An act to incorporate and enlarge School District No. 90, in the town of Bridgeville, in Sussex county, and for other purposes," be amended by changing the name of the corporation thereby created from that of "School District No. 90," to that of School District Nos. 90 and 90½, wherever the same occurs in the said act.

Passed at Dover, April 16, 1885.

CHAPTER 490.

OF FREE SCHOOLS.

AN ACT for the relief of United School Districts Nos. 3, 175 and 175½ in Sussex County.

WHEREAS at the annual school meeting, held in the school house on the first Saturday in April, 1883, in said districts, according to law, and previous to the act passed by the Legislature of that year appropriating money for the benefit of the free schools of the State of Delaware and for other purposes, the legal voters present agreed that the school commissioners for the said united districts should assess the amount that would be required by any law passed by the Legislature, then in session, for the year A. D. 1883, and the commissioners assessed and collected the sum of two

OF FREE SCHOOLS.

hundred and twenty-five dollars in the said united school districts for that year, as the law required, but were unable to draw their share of the appropriation on account of a defect in the records of the annual school meeting; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State ap-
propriation,
when paya-
ble.

SECTION 1. That the State Treasurer shall pay to the clerk of said United School Districts Nos. 3, 175 and 175½ the amount of the state appropriation for the year A. D. 1883, which they are entitled to, when satisfactory proof is made to him that they did raise by taxation all the money for that year that the law required.

Passed at Dover, April 16, 1885.

CHAPTER 491.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act uniting the School Districts of Georgetown,' passed at Dover, March 29th, 1881," passed at Dover, March 11th, 1885.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Amend
Section 3 of
Chapter 460,
current
volume.

SECTION 1. That Section 3 of the act entitled "A supplement to the act entitled 'An act uniting the school districts of Georgetown,' passed at Dover, March 29, 1881," passed at Dover, March 11, 1885, be and the same is hereby amended by striking out the word "January," where it occurs in the said Section 3, and inserting in lieu thereof the word "July."

Passed at Dover, April 16, 1885.

OF FREE SCHOOLS.

CHAPTER 492.

OF FREE SCHOOLS.

AN ACT to create a New School District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That all that certain territory situated in New Castle County and comprised within the following boundaries and limits, to wit: Commencing at the intersection of the Middletown and Summit Bridge road with a line of Ephriam Beaston's land, thence easterly along the line of lands of said Beaston and of Samuel Boggs to James Lecompte's line, thence southerly along said Lecompte's line and crossing the road leading from Mt. Pleasant to Port Penn to line of Thomas Houston's land, thence southerly along said Houston's line to line of land of George F. Brady, thence westerly along line of lands of said Brady and Davidson and crossing the railroad to David Warren's line, thence northerly along line of lands of said Warren, John P. Cochran and William H. Houston to line of land of John Appleton, and thence along said Appleton's line to the place of beginning, be and the same is hereby erected into a new school district to be designated as School District No. 99.

SECTION 2. That Wm. S. Ledmun, J. Frank Eliason and Henry Barnett be and the same are hereby made school commissioners for the said new school district, who shall hold office for the term of one year from the date of the passage of this act. That said commissioners shall determine the location, amount of ground necessary, and plan of construction for a school building within the school district hereby created, and in order to provide payment for the same they are hereby authorized and empowered to levy a tax on all the land and other property embraced within the said new district, and subject to taxation for school purposes. For collecting the same they are hereby endowed with all the legal power of the collector of the hundred in which the district is located. They may employ under their direction said collector to collect the taxes so levied. Any commissioner neglecting or refusing to serve, or who shall die or remove

Boundaries.

Commissioners.

Term of office.

Duty as to location for building.

May levy tax.

Powers of collector.

OF FREE SCHOOLS.

Vacancy in office of commissioner, how filled. from said district before the duties required of him under this act shall be fully complied with, thus causing a vacancy, the same shall be filled by appointment, made by the Associate Judge residing in New Castle county, upon petition to him by three citizens of the said new district.

Rights and privileges of new district. SECTION 3. The said new district, formed under the provisions of this act, shall have all the rights, authority and privileges of other school districts of this state, and the commissioners in this act constituted shall, while in office, have all the powers and authority with relation to the levying of school tax and the government of schools within the new district that regularly elected school officers have in other districts in this state.

Amount of levy \$500. SECTION 4. *Provided* that the amount raised by taxation under this act for purchasing the ground and erecting the school house shall not exceed the sum of five hundred dollars.

Passed at Dover, April 17, 1885.

CHAPTER 493.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act to establish the Kenton Public School," passed at Dover, March 10, 1885.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorized to raise \$2,500. SECTION 1. That the said "Kenton Public School" shall have authority to raise, for the purpose of purchasing a lot and erecting a new school house and fitting and furnishing the same, the sum of two thousand and five hundred dollars, instead of the sum of two thousand dollars, as provided by Section 7 of the act to which this is a supplement.

Passed at Dover, April 17, 1885.

OF DELAWARE COLLEGE.

CHAPTER 494.

OF DELAWARE COLLEGE.

AN ACT for the Enlargement and Repairing of Delaware College.

WHEREAS by an act of Congress, approved July 2, 1862, ^{Preamble.} there were granted to the several states and territories accepting the same, thirty thousand acres of the public lands of the United States, or an equivalent in land scrip, for each Senator and Representative in Congress, for the endowment, support and maintenance of at least one college where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, the benefits of which said act were made dependent upon the acceptance thereof by the states respectively, and the establishment of at least one college in each, for the purpose of carrying out the provisions thereof; and whereas the State of Delaware did, by an act passed the seventh day of February, A. D. 1867, accept said act of Congress upon the terms and conditions contained and set forth therein; and whereas the Board of Trustees of Delaware College did at that time propose to convey to the State of Delaware a joint and equal interest in the grounds, buildings, libraries, apparatus and vested funds of said college proper, upon condition that the interest of the fund arising from the State of Delaware's quota of the land scrip should be used for the purpose of establishing at Newark an institution which should meet the requirements of the act of Congress aforesaid, and extend to the people of our state the benefits of its provisions; and whereas the State of Delaware did, by an act passed the fourteenth day of March, A. D. 1867, accept the said offer of the Board of Trustees of Delaware College, and did adopt and establish Delaware College as the institution to be provided by the State of Delaware, in accordance with the provisions of the act of Congress aforesaid, and did then and therein declare it to be the duty of the state to provide the buildings, grounds and appliances necessary to carry out the objects of said act, and did thereby then and there assume and undertake the execution of said trust; and whereas the professor of chemistry of Delaware College was afterwards appointed State Chemist by act of the General Assembly and

OF DELAWARE COLLEGE.

charged thereby with the duty of analyzing and testing all manner of fertilizers, as therein provided, whereby a larger and more convenient laboratory has become absolutely necessary, in order that he may properly discharge the duties of his said office without injury to the comfort or health of the students of the said college; and whereas the college buildings, by long use, are rapidly falling into decay, and it is necessary, in order to preserve them from ruin, as well as to continue to carry out in good faith the original design of establishing and maintaining Delaware College as the institution contemplated by the several acts aforesaid; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appropriation \$8,000.
How applied.

SECTION 1. That the sum of eight thousand dollars be and the same is hereby appropriated for the purpose of enlarging the auditorium of Delaware College and providing a suitable laboratory therefor, for repairing the college buildings and apparatus, and for improving the grounds belonging thereto, and for no other purpose whatsoever.

Expended under direction of the Board of Trustees.

Warrants, how drawn. Proviso.

Payable, when.

SECTION 2. Said sum of eight thousand dollars shall be expended, and said enlargement, repairs and improvements made under the direction of the Board of Trustees of Delaware College, and shall be drawn out and paid by the State Treasurer on warrants drawn by said board, signed by its president and countersigned by its secretary; *provided* that no part of said sum shall be payable before the first day of May, A. D. 1885; *and provided further* that said sum shall be payable in two equal annual installments, the first on and after May 1st, A. D. 1885, and the second on and after May 1st, A. D. 1886.

Condition imposed.

SECTION 3. That should the said buildings and grounds cease to be used for collegiate purposes, then the amount herein appropriated shall be returned to the State; and furthermore that hereafter the trustees shall not sell and convey or mortgage said buildings and grounds, or in any way impair the legal title thereto without the consent of the Legislature first had and obtained; *provided* however that this restriction shall not affect the present bonded debt of the said college.

Passed at Dover, April 8, 1885.

OF OTHER SCHOOLS.

CHAPTER 495.

OTHER SCHOOLS AND LITERARY INSTITUTIONS.

AN ACT to incorporate the Ferris Reform School.

WHEREAS John Ferris, late of the City of Wilmington, Preamble.
deceased, by his last will and testament bequeathed to his
executor and trustee therein named the residue of his estate
in trust for such charitable objects or institutions as the said
trustee may select, with the suggestion that such residue
might be applied, at the discretion of the said trustee, "to
aid in establishing what is known mostly as a House of
Refuge or place for bettering wayward juveniles;" and
whereas the said trustee is willing and desirous of applying
the said residue towards establishing and supporting such
an institution; and whereas by the laws of this state no
special provisions now exist for the reformation of this class
of persons, and it would be in accordance with a wise and
humane policy to provide means for their reclamation and
improvement; therefore

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met (two-thirds
of each branch thereof concurring):*

SECTION I. That Caleb Harlan, M. D., John H. Adams, Corporators
Lewis P. Bush, M. D., Thomas F. Bayard, Edward Bring-
hurst, Edward Betts, James Bradford, John G. Baker, Sewell
C. Biggs, Thomas Bird, Edward T. Bellah, Peter N. Bren-
nan, William N. Canby, George S. Capelle, Swithin Chand-
ler, M. D., S. M. Curtis, Joseph L. Carpenter, jr., Henry
DuPont, James A. Draper, M. D., Ziba Ferris, Henry Ferris,
Allen Gawthrop, J. Taylor Gause, Richard P. Gibbons,
George Gray, Anthony Higgins, David W. Harlan, Joshua
T. Heald, Washington Jones, Job H. Jackson, Charles B.
Lore, George G. Lobdell, William C. Lodge, Preston Lea,
Samuel N. Pusey, J. Parke Postles, William T. Porter,
George Richardson, Henry C. Robinson, William C. Spru-
ance, Lewis Thompson, Joseph Tatnall, James Ware, Stans-
bury J. Willey, Leonard E. Wales, C. Wesley Weldon,
Alfred D. Warner, Joseph H. Watson, and all who shall
contribute to the support of the said corporation, as herein-
after provided, be and they are hereby incorporated and made

OF OTHER SCHOOLS.

Title. a body politic in law, under the name and title of The Ferris Reform School, and by that name shall have succession for the period of twenty years, and they shall be and are hereby made able and capable in law, to have, take, purchase, receive, possess and retain to them and their successors, for the use and lawful objects of the corporation, any estate, real or personal, (*provided* that the annual income of the entire estate held shall not exceed fifteen thousand dollars,) and the same to sell, grant, demise, alien or dispose of, to make contracts relative to the objects of this incorporation, to sue and be sued, implead and be impleaded in all courts of law and equity, to have a common seal, and the same to alter at pleasure, to establish by-laws and rules for the regulation of said corporation, (*provided* the same be not repugnant to the constitution and laws of the United States or of this State,) and generally to have the privileges and franchises incident to a corporation or body politic.

Powers.

Property held.

Proviso. Annual income. Limit.

By-laws.

Proviso.

Qualification of members.

Annual dues.

SECTION 2. Every person who shall pay to the said corporation the sum of forty dollars, or eight dollars annually for the term of six years, shall become a member thereof during its existence, and every person paying the sum of two dollars annually shall be a member while he continues to contribute the said sum, and such payment shall be made at the time and in the manner to be prescribed in the by-laws of the said corporation.

Board of managers. Number. Quorum.

Ex officio members.

Managers, how elected. Meeting of corporators, when and where.

Election of managers. Terms of office.

SECTION 3. The estate and concerns of the said corporation shall be managed by a board of twenty-one managers, of whom five shall constitute a quorum for the transaction of business. The Mayor of the City of Wilmington, the Judge of the Superior Court resident in New Castle County, and the President of the Levy Court of said county, shall be *ex officio* members of the said board. The other eighteen managers shall be elected by the members of the corporation. The corporators shall meet in the City of Wilmington on the first Wednesday in April next after the passage of this act, or as soon thereafter as practicable; and shall from themselves elect eighteen managers, residents of New Castle County, to serve until the second Wednesday of January, A. D. 1886, on which latter day, and on every succeeding second Wednesday of January, the members of the corporation shall hold a meeting for the election of eighteen managers for the ensuing year, at such place in the City of Wilmington as the managers shall appoint, of which meeting the president of the

OF OTHER SCHOOLS.

board, or in case of his omission or refusal to do so, the secretary, or any member of the corporation, shall give notice in two newspapers published in said city; and at such meeting shall elect by a plurality of ballots the managers aforesaid, to serve until the next annual election and until their successors are chosen, but a failure to elect on the day appointed shall not therefore dissolve the corporation, but the managers shall, as soon thereafter as practicable, call another meeting of the members of the corporation, at which the election shall be held; and in case two or more persons receive an equal number of votes at any election, the board of managers shall decide which one or ones shall act as managers, so far as it may be necessary, in order to complete the legal number of the board. Any vacancy in the office of manager shall be filled until the next election by the board, who shall select some member of the corporation. The board shall, out of their own body, appoint a president, two vice-presidents, a treasurer, and a secretary.

Notice of election.

Plurality may elect.

Tie in the vote. Election decided by board of managers.

Officers chosen.

SECTION 4. The said board of managers shall provide a suitable building or buildings, with all the necessary land and appurtenances, to be located in New Castle County, for the use and occupation of the said The Ferris Reform School, and shall establish such by-laws, ordinances and regulations relative to the religious and moral education, training, employment, discipline, management, government, instruction, safe-keeping and the disposition of the inmates, not contrary to law, as they may deem expedient and proper; may appoint such officers, agents and servants as they may deem necessary to transact the business of the said corporation, and may prescribe their duties; and, upon the application and recommendation of the said board, the Levy Court of New Castle County shall appoint and commission an employe or officer of the said school to be a special constable thereof, and such officer shall take an oath of office, and shall have power to protect the property of the said school, to suppress riots, disturbances and breaches of the peace, and to enforce all laws for the preservation of good order; and may, upon view, or information, without warrant arrest any person trespassing upon the ground or destroying the property belonging to the said school, and bring such person so offending before any Justice of the Peace in the said county, to be dealt with according to law. The appointment of such constable shall be made annually, and whenever there shall be a vacancy in the said office by death,

Board of managers to provide buildings for the school.

Regulations

Powers and duties of board.

Special constable appointed by Levy Court.

Constable's powers.

Term.

Vacancy.

OF OTHER SCHOOLS.

resignation, or otherwise, for the unexpired term; and the county shall not be chargeable with any fees or cost for or on account of the services of any constable appointed under the provisions of this act.

Minors.

SECTION 5. It shall be lawful for the said board, in their discretion, to receive into the said The Ferris Reform School minors, residents of New Castle county, when committed to their custody in the following modes:

When admitted.

First. When committed by the Municipal Court of the City of Wilmington, or any Justice of the Peace of New Castle County, on complaint and due proof made to the said court or justice by a parent, guardian, or next friend of such minor, that, by reason of incorrigible or vicious conduct, he cannot control such minor, and from regard to his morals and future welfare it is requisite that he should be placed under the guardianship of the managers of The Ferris Reform School.

Proof of vagrancy or vicious conduct.

Second. When committed by the authorities aforesaid, upon complaint and due proof that such minor is a proper object for the guardianship of the said managers in consequence of vagrancy, or of incorrigible or vicious conduct, and, that from moral depravity, or otherwise, of a parent, guardian, or person in whose custody such minor may be, such parent, guardian, or other person having custody of the minor is incapable or unwilling to exercise the proper care and discipline over him.

Males not over 16 nor under 9 years. Convicted of criminal offense.

Board cannot refuse admission. Exception.

Third. Males, not over sixteen nor under nine years of age, committed to the custody of the said board by the Court of General Sessions of the Peace and Jail Delivery for New Castle County, the Municipal Court for the City of Wilmington, or any Justice of the Peace in said county, upon conviction of vagrancy, or other criminal offense, before them, or upon the acquittal of such minor, if the court, or magistrate, upon the testimony, shall consider him a proper object for the said school. And it shall not be in the discretion of the said board to reject any such minor committed to their custody on conviction of a criminal offense, excepting the offenses of homicide, arson and rape; and any such minor against whom a crime, other than murder, arson, or rape, is charged before a grand jury, if the charge is supported by sufficient evidence to put him on trial, may, on the recommendation of the grand jury, and without presenting

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an indictment, be committed by the court to the said school. The board shall have power to place the minors committed to their custody at such employments and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said minors, with their consent, as apprentices, during their minority, to such persons and at such places, to learn such proper trades and employments as in the judgment of the said board will be most conducive to the reformation and amendment and will tend to the future benefit and advantage of such minors. And the court, or justice of the peace, shall endorse on the writ by which any minor is committed to the custody of the said board the names and residences of the witnesses examined and of any complainant in the case.

Employment and instruction of minors.

May apprentice said minors.

Endorsement on writ of commitment.

SECTION 6. Any person who may believe that any minor has been committed to the custody of the said board without sufficient cause by the said Municipal Court for the City of Wilmington, or any Justice of the Peace, may, on behalf of such minor, or the minor may appeal to the Associate Judge of the Superior Court resident in New Castle County, who shall rehear the case, and for that purpose shall cause the minor to be brought before him, and the witnesses in the former examination, and other witnesses the judge may think proper or the minor may request, to appear and testify; and upon such rehearing, if it shall appear to the judge that such minor was without sufficient cause committed to the custody of the said board he shall be discharged, otherwise remanded to their custody; or, if he had been committed on conviction of a criminal offense, without remanding him the judge may, in his discretion, direct that the penalties prescribed by law for the offense be enforced, and such judgment shall be final; *provided* that nothing in this act shall repeal any of the provisions of Chapter 115 of the Revised Statutes, entitled "Habeas Corpus."

Minor may appeal to Associate Judge.

Discharge.

Proviso.

SECTION 7. The board shall present to the members of the corporation at every annual meeting for election, a report for the last year of the number of persons received by them into the school, the disposition made of the inmates in their instruction and employment therein and in binding them out as apprentices, the receipts and expenditures of the board, and generally all such facts and particulars as may exhibit the management of the said school and the results thereof.

Annual report of board.

OF THE PUBLIC HEALTH.

Annual ap-
propriations
by Levy
Court.

SECTION 8. The Levy Court of New Castle County shall have authority to make an appropriation or appropriations annually to the said corporation for the purposes of its incorporation.

Exempt
from taxa-
tion.

SECTION 9. The estate, real and personal, of the said corporation, and for the purposes of its incorporation, shall be free from state, county and city tax.

Devises or
gifts.

Proviso.

SECTION 10. Any misnomer of the said corporation shall not defeat or annul any gift, grant, devise or bequest to the said corporation; *provided* it sufficiently appear by the will, conveyance or other writing, that the party making the same intended to pass or convey thereby to the said corporation the estate or interest therein expressed or described.

SECTION 11. The power of revoking this act is hereby reserved to the Legislature of this State, and it shall be deemed and taken to be a public act.

Passed at Dover, March 10, 1885.

CHAPTER 496.

OF THE PUBLIC HEALTH.

AN ACT relating to the Practice of Dentistry in the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Who shall
not practice.

SECTION 1. *Be it enacted by the General Assembly of Delaware,* That it shall be unlawful for any person who is not, at the time of the passage of this act a recognized practitioner of dentistry in this state, and so recognized by the profession, to practice dentistry unless he or she shall have obtained a certificate as hereinafter provided, or shall hold a diploma from a reputable dental college, and so decided by the board herein created.

Board of
examiners.

SECTION 2. *Be it enacted,* That a board of examiners, to consist of five reputable practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and

OF THE PUBLIC HEALTH.

enforce the provisions of this act. The members of said board shall be appointed by the Governor, who shall select them from the dentists residing in the state. The term for which the members of said board shall hold their offices shall be four years, except that two members of the board first to be appointed under this act shall be designated by the Governor to hold their offices for the term of two and three and four years respectively, unless sooner removed by the Governor, and until their successors shall be duly appointed. In a case of vacancy occurring in such board, such vacancy shall be filled in like manner by the Governor.

Appointed
by the Gov-
ernor.
Term.

Vacancy,
how filled.

SECTION 3. *Be it enacted*, That said board shall choose one of its members president and one secretary thereof. It shall fix the time and place of its meeting or meetings. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection. The board shall also make an annual report of its proceedings to the Governor.

Officers
chosen.

Meetings.
Quorum.

Report to
the Gover-
nor.

SECTION 4. *Be it enacted*, That within six months from the time this act takes effect it shall be the duty of every person who is at that time engaged in the practice of dentistry in this state, to cause his or her name and residence or place of business to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a notary public or justice of the peace, in such a manner as may be prescribed by the said board of examiners. Every person who shall so register with said board as a practitioner of dentistry may continue to practice the same as such, and shall receive a certificate of such registration upon his or her paying the said board one dollar for such certificate.

Dentists to
register,
when and
where.

Oath.

Certificate
of registra-
tion.
Fec.

SECTION 5. *Be it enacted*, That any and all persons who shall desire to commence such practice after the passage of this act, shall appear before said board, at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said board, the board of examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this act, upon the payment of one dollar for such certificate. All certificates issued by said board shall be signed by its officers,

Examina-
tions by the
board.

Certificate.

OF THE PUBLIC HEALTH.

Annual ap-
propriations
by Levy
Court.

SECTION 8. The Levy Court of New Castle County shall have authority to make an appropriation or appropriations annually to the said corporation for the purposes of its incorporation.

Exempt
from taxa-
tion.

SECTION 9. The estate, real and personal, of the said corporation, and for the purposes of its incorporation, shall be free from state, county and city tax.

Devises or
gifts.

Proviso.

SECTION 10. Any misnomer of the said corporation shall not defeat or annul any gift, grant, devise or bequest to the said corporation; *provided* it sufficiently appear by the will, conveyance or other writing, that the party making the same intended to pass or convey thereby to the said corporation the estate or interest therein expressed or described.

SECTION 11. The power of revoking this act is hereby reserved to the Legislature of this State, and it shall be deemed and taken to be a public act.

Passed at Dover, March 10, 1885.

CHAPTER 496.

OF THE PUBLIC HEALTH.

AN ACT relating to the Practice of Dentistry in the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Who shall
not practice.

SECTION 1. *Be it enacted by the General Assembly of Delaware,* That it shall be unlawful for any person who is not, at the time of the passage of this act a recognized practitioner of dentistry in this state, and so recognized by the profession, to practice dentistry unless he or she shall have obtained a certificate as hereinafter provided, or shall hold a diploma from a reputable dental college, and so decided by the board herein created.

Board of
examiners.

SECTION 2. *Be it enacted,* That a board of examiners, to consist of five reputable practicing dentists, is hereby created, whose duty it shall be to carry out the purposes and

OF THE PUBLIC HEALTH.

enforce the provisions of this act. The members of said board shall be appointed by the Governor, who shall select them from the dentists residing in the state. The term for which the members of said board shall hold their offices shall be four years, except that two members of the board first to be appointed under this act shall be designated by the Governor to hold their offices for the term of two and three and four years respectively, unless sooner removed by the Governor, and until their successors shall be duly appointed. In a case of vacancy occurring in such board, such vacancy shall be filled in like manner by the Governor.

Appointed
by the Gov-
ernor.
Term.

Vacancy,
how filled.

SECTION 3. *Be it enacted*, That said board shall choose one of its members president and one secretary thereof. It shall fix the time and place of its meeting or meetings. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection. The board shall also make an annual report of its proceedings to the Governor.

Officers
chosen.

Meetings.
Quorum.

Report to
the Gover-
nor.

SECTION 4. *Be it enacted*, That within six months from the time this act takes effect it shall be the duty of every person who is at that time engaged in the practice of dentistry in this state, to cause his or her name and residence or place of business to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a notary public or justice of the peace, in such a manner as may be prescribed by the said board of examiners. Every person who shall so register with said board as a practitioner of dentistry may continue to practice the same as such, and shall receive a certificate of such registration upon his or her paying the said board one dollar for such certificate.

Dentists to
register,
when and
where.

Oath.

Certificate
of registra-
tion.
Fee.

SECTION 5. *Be it enacted*, That any and all persons who shall desire to commence such practice after the passage of this act, shall appear before said board, at any of its regular meetings, and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said board, the board of examiners shall issue to such persons as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this act, upon the payment of one dollar for such certificate. All certificates issued by said board shall be signed by its officers,

Examina-
tions by the
board.

Certificate.

OF THE PUBLIC HEALTH.

Evidence. and such certificates and diplomas, granted as aforesaid, shall be *prima facie* evidence of the right of the holder to practice dentistry in the State of Delaware.

When guilty of misdemeanor. **SECTION 6.** *Be it enacted,* That any person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court having criminal jurisdiction, may be fined not less than fifty dollars nor more than three hundred, or be confined not more than six months in the county jail, in the discretion of the court. All fines received under this act shall be paid into the common school fund of the city or county in which such conviction takes place.

Penalty.

Applicants must give notice to secretary of board. **SECTION 7.** *Be it enacted,* That the board of examiners shall meet within thirty days after appointed and frame by-laws governing the board, and that any person or persons desiring to be examined by the board of examiners for a certificate to practice dentistry in this state shall give notice of such desire to the secretary of the said board, who shall notify the members thereof, and they shall, within fifteen days from the receipt of such notice, meet to examine such person or persons, and give him, her or them proper notice of such meeting.

Time of examination.

Notice.

When not applicable to non-residents. **SECTION 8.** This act shall not apply to any person practicing dentistry in another state who is now the owner of real estate in this state.

SECTION 9. *Be it enacted,* That nothing in this act shall be so construed as to interfere with the rights and privileges of physicians and surgeons in the discharge of their professional duties.

SECTION 10. *Be it enacted,* That this act shall take effect from the date of its passage.

Passed at Dover, March 31, 1885.

TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

CHAPTER 497.

CONCERNING ALMSHOUSES AND THE POOR.

AN ACT for the Relief of the Building Committee of Trustees of the Poor of New Castle County,

WHEREAS it has been represented to this General Assembly by the building committee of "The Trustees of the Poor of New Castle County" that they have had charge of the erection of the new almshouse and insane department for said county; that they have been obliged to bestow a large amount of their time and attention, and have been placed to considerable expense in going to and from said buildings during the erection and completion of the same; that they have received no compensation whatever for the time and care bestowed and the expense incurred in and about the erection and completion of said buildings; therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of New Castle County be and it is hereby authorized and empowered, in the exercise of its discretion, to pay to the members of the said building committee of "The Trustees of the Poor of New Castle County" so much money as the said court, upon investigation, shall consider the said building committee justly and equitably entitled to receive on account of the large amount of time and care required of and given by them, and the large amount of expense necessarily incurred, in and about the erection and completion of the said new almshouse and insane department.

Levy Court of New Castle County authorized to pay to building committee compensation for services.

Passed at Dover, April 9, 1885.

TITLE EIGHTH.

Of the General Police.

CHAPTER 498.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 379 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:...

Section 1 of
Chapter 379,
Volume 16,
amended.

SECTION 1. That Chapter 379, Volume 16, entitled "An act to prevent the spread of contagious or infectious pleuropneumonia among the cattle of this state," be and the same is hereby amended as follows, to wit: Strike out of Section 1, lines 22 and 23 of said act, all after the word "such" in line 22, to the word "other," in line 23, and insert, after the word "compensation" and before the word "when," in line 25 of said section, the following, viz: "and to co-operate with the Commissioner of Agriculture of the United States, or any other United States officers who are authorized by the statutes of the United States to use the money of the Federal Government as is necessary in investigating and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease." Insert after the word "Governor" and before the word "as," in line 34 of said section, the words, "or the United States Commissioner of Agriculture."

Section 2
amended.

And further amend Section 2 by inserting, between the words "effected" and "and" in line 6 of said section, the words, "provided that such valuation shall not in any case exceed the sum of \$50.00 per head." Insert in line 9 of said section, between the words "them" and "being," the words, "and approved by the Governor." Insert in line 4 of Section 4 of said act, between the words "do" and "shall," the words, "shall be deemed guilty of a misdemeanor, and upon conviction thereof". Amend Section 5, line 4 of said section, by inserting, between the words

GENERAL PROVISIONS RESPECTING THE POLICE.

"aforesaid" and "shall," the words, "shall be deemed guilty of a misdemeanor, and upon conviction thereof". Amend further by striking out of Section 6 of said act all after the word "upon," in line 4 of said section, to the word "upon," inclusive, in line 5. And further amend the act by adding thereto the following as an additional section:

"SECTION 9. That in the execution of the provisions of Section 6 it is hereby provided that there shall not be expended more than the sum of three hundred dollars in any one year."

Allowance
of \$300 for
execution of
the law.

Passed at Dover, January 22, 1885.

CHAPTER 499.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend an act entitled "An act to amend Chapter 145, Volume 13, Laws of Delaware," passed at Dover, March 22, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 2 of the act entitled "An act to amend Chapter 145, Volume 13, Laws of Delaware," be and is hereby amended by adding thereto the words following, to wit: "*provided also*, that in no case shall there be appraised or paid a greater sum than five dollars for each sheep and three dollars for each lamb so killed, injured, or destroyed."

Section 2,
Chapter 145,
Volume 13,
amended.

Passed at Dover, April 2, 1885.

GENERAL PROVISIONS RESPECTING THE POLICE.

CHAPTER 500.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 381, Volume 16, Laws of Delaware, entitled "An act to provide for the Registration of Births, Marriages and Deaths in the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 4,
Chapter 381,
Volume 16,
amended.

SECTION 1. That Section 4 of Chapter 381 of Volume XVI of the Laws of Delaware be amended by inserting the words, "or before," in the 9th line of said section, after the word "on".

Section 6
amended.

SECTION 2. That Section 6 of the same chapter and volume of the Laws of Delaware be amended by striking out the words in the 6th line of said section, "The Secretary of State to"; and also by adding the words "to the said Recorder" to the 8th line after the word "contracted."

Section 7
amended.

SECTION 3. That Section 7 of the same chapter and volume be amended by striking out the words "sexton or" in the 10th line of said section.

Section 8
amended.

Certificate
to under-
taker.

SECTION 4. That Section 8 of the same chapter and volume of said laws be amended by striking out the whole of the first sentence of Section 8 and inserting the following: "It shall be the duty of the undertaker in charge in case of a death, to procure from the physician in attendance, or if there have been no physician, then from the family, or from the coroner, when the case shall have come under his charge, a certificate, prepared according to the form prescribed in the preceding section; and all such certificates shall be furnished at least every three months to the Recorder of Deeds for the county in which the death occurred."

To be
recorded.

Section 9
amended.

SECTION 5. That Section 9 of the same chapter and volume be amended by striking out the word "sexton," in the first line of said section, and inserting the word "undertaker" instead thereof.

GENERAL PROVISIONS RESPECTING THE POLICE.

SECTION 6. That Section 11 of the same chapter and volume be amended by striking out the words "superintendent or sexton of any cemetery or burying place," and inserting the word "undertaker" instead thereof.

Passed at Dover, April 8, 1885.

CHAPTER 501.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 62, Volume 15, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 4 of Chapter 62, Volume 15, Laws of Delaware, be and the same is hereby amended by inserting at the end of said section the following :

Section 4,
Chapter 62,
Volume 15,
amended.

"And it shall be the duty of the officer or person making arrests, under the provisions of this or any act passed for the prevention of cruelty to animals, to seize any bull, bear, dog, cock, animal, or other creature kept or used for the purpose of fighting, baiting, or other cruel and unnecessary exhibition, and bring the same before the judge or justice of the peace hearing the complaint, who, upon a conviction of any of the parties complained of, may, in his discretion, order said animals or creatures either to be destroyed or sold, which order shall be a part of the sentence of the party or parties convicted; *provided, however,* that before said order is made the officer or person making such seizure shall make due return to the judge or justice of the peace hearing the complaint of the number and kind of animals or creatures seized by him. The proceeds of such sale shall, after deducting the costs thereof, inure to the Delaware Society for the Prevention of Cruelty to Animals, in aid of the purposes for which it was incorporated."

Duty of
officer in
making
arrests for
cruelty to
animals.

Conviction.
Duty of
judge or
justice of
the peace.

Proviso.

SECTION 2. That in any edition or compilation of the laws of this state hereafter published, the said act, to which this is an amendment, shall be printed and published as hereby amended.

Passed at Dover, April 14, 1885.

GENERAL PROVISIONS RESPECTING THE POLICE.

CHAPTER 502.

CHAPTER 62, VOLUME 15, PUBLISHED AS AMENDED.

AN ACT to amend Chapter 414, Volume 14, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*Chapter 414
of Volume
14, amended

SECTION 1. That Chapter 414, Volume 14, Laws of Delaware, be and the same is hereby amended by striking out all of said act after the enacting clause thereof and substituting the following:

Penalty for
cruelty to
animals.

SECTION 2. That whoever shall overdrive, overload, drive when overloaded, overwork, torture, torment, mutilate, or shall cruelly kill, beat, ill-treat, or otherwise abuse any animals, or work or drive the same when unfit for labor, or cruelly abandon the same, or shall cause any animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, mutilated, or to be cruelly killed, beaten, ill-treated, or otherwise abused, or worked or driven when the same is unfit for labor, or to be cruelly abandoned, or having the charge or custody of any animal, either as owner or otherwise, shall inflict unnecessary cruelty upon the same, or unnecessarily fail to provide the same with proper food, drink, shelter, or shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting any dog, cock, or other creature, or shall knowingly suffer or permit any place over which he or she has possession or control to be occupied, kept or used for such purpose, or shall be present at, or shall encourage, aid or assist at such exhibition, shall for every such offense be fined in a sum not exceeding twenty-five dollars, and shall be imprisoned until such fine is paid.

Fine.
Imprison-
ment.Cruelty to
animals by
transporta-
tion or
abandon-
ment.

SECTION 3. If any owner or owners, possessor, or person or persons having the charge or custody of any living animal, shall carry or cause to be carried on or upon any vehicle, or otherwise, any such animals tied or fastened in any cruel or inhuman manner, or shall carry or cause to be

GENERAL PROVISIONS RESPECTING THE POLICE.

carried any edible live animal in or upon any vehicle or otherwise, without providing suitable transportation, and while awaiting slaughter, or shall abandon any maimed, sick, infirm or disabled animal to die, he or they shall be punished for every such offense in the manner provided in Section 2.

How
punished.

SECTION 4. When complaint is made on oath or affirmation, to any justice of the peace, that the complainant believes, or has reasonable cause to believe, that the laws for the prevention of cruelty to animals have been or are being violated in any particular building or place, such justice of the peace, if satisfied that there is probable cause for such belief, shall forthwith issue a search warrant which may be directed to any proper officer, or to any other person by name, for service, authorizing him to search such building or place, and to arrest any person or persons there found aiding or abetting in the violation of said laws, and to bring such person or persons before some justice of the peace, to be dealt with according to law, but no such search shall be made between the hours of sunset and sunrise, unless the justice of the peace shall be satisfied that it is necessary in order to prevent the escape of the person to be searched for, and then the authority shall be expressly given in the warrant. And it shall be the duty of the officer or person making arrests, under the provisions of this or any act passed for the prevention of cruelty to animals, to seize any bull, bear, dog, cock, animal, or other creature kept or used for the purpose of fighting, baiting, or other cruel and unnecessary exhibition, and bring the same before the judge or justice of the peace hearing the complaint, who, upon a conviction of any of the parties complained of, may, in his discretion, order said animals or creatures either to be destroyed or sold, which order shall be a part of the sentence of the party or parties convicted; *provided, however*, that before said order is made the officer or person making such seizure shall make due return to the judge or justice of the peace hearing the complaint of the number and kind of animals or creatures seized by him. The proceeds of such sale shall, after deducting the costs thereof, inure to the Delaware Society for the Prevention of Cruelty to Animals, in aid of the purposes for which it was incorporated.

Justice of
peace to
issue search
warrant
upon com-
plaint of
cruelty to
animals.

No search
between
sunset and
sunrise.
Exception.

Duty of
officer in
making
arrests for
cruelty to
animals.

Conviction.
Duty of
judge or
justice of
the peace.

Proviso.

SECTION 5. That any violation of any of the provisions of this act shall be deemed and taken to be and shall constitute a public nuisance, offensive to the public sense and

Any viola-
tion of this
act a public
nuisance,

GENERAL PROVISIONS RESPECTING THE POLICE.

Justices of
the peace to
have plenary
jurisdiction.

morals, and punishable as such; and that any justice of the peace in this state shall have plenary jurisdiction in all cases of the violation of any of the provisions of this act, and it shall be the duty of any justice of the peace, upon complaint made before him, on oath or affirmation, that the complainant believes, and has reasonable cause to believe that a person has violated or is violating any of the provisions of this act, to issue his warrant, directed to any sheriff, constable, or to any police officer of any city or town, commanding him to arrest such person and bring him before said justice for trial. If, upon such trial, the said justice shall find that the person arrested has violated any of the provisions of this act, he shall thereupon impose the fine as prescribed in this act.

Trial.

Fine.

Duty of
sheriff,
constable,
or public
officer to
arrest an
offender.

Fines, how
applied.

SECTION 6. It shall be the duty of any sheriff in the state, or constable, or police of any city or town within this state, upon his own view of any violation of any of the provisions of this act, to arrest such offender and bring him before any justice of the peace of the State of Delaware, to be dealt with according to law; and all fines collected under this act shall be paid one half to the funds of the school district in which such nuisance is committed, and the other half to the State Treasurer.

Animals,
what to in-
clude.

SECTION 7. The word animals in this act shall be construed to mean and include pigeons and all brute creatures,

Passed at Dover, March 26, 1875.

Amended April 14, 1885.

CHAPTER 503.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT in relation to Inns or Taverns.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

License to
be granted
to incoming
tenant.

SECTION 1. If the incoming tenant of any inn or tavern in this state, not having procured a license, or the outgoing

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

tenant having failed to procure one, or, having procured one, ^{When.} shall refuse to transfer the same for a fair consideration to the incoming tenant or occupant, then and in such event it shall be lawful for the incoming tenant or occupant of such inn or tavern to procure from one of the associate judges of this state, if approved by him, an order authorizing the Clerk of the Peace of the county in which such inn or tavern is located, to issue a fractional license, upon payment of ^{Fractional license.} a sum of money in proportion for the fractional term granted as compared with the sum required to be paid for one year, to the incoming tenant or occupant to sell intoxicating liquors, as provided by law; such fractional license to be good only till the last day of the term of the court that usually issues license next after his becoming tenant or occupant of said inn or tavern; ^{Proviso.} *provided* that nothing in this act shall be construed to apply to any seaside or other inns or taverns that are only intended to be opened to the public at periodical seasons.

SECTION 2. That at the time of making application to the associate judge, as aforesaid, for an order, as aforesaid, the said applicant shall file with the said application a certificate of twelve respectable citizens of the school district in which he proposes to keep such inn or tavern, or twenty-four such respectable citizens of the ward, if in the City of Wilmington; which certificate shall clearly state that the applicant is a person of full age; that he is a man of sobriety and good moral character; that an inn or tavern is necessary at the point designated to accommodate the public, and that the applicant is the owner or tenant of the house in which he proposes to keep the same, and the true rental value. ^{Applicant must file certificate of twelve respectable citizens of school district. Twenty-four citizens of a ward. Contents of certificate.}

SECTION 3. The provisions regulating the granting of other license, not herein stipulated, shall remain as is now by law provided.

Passed at Dover, April 8, 1885.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

CHAPTER 504.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT to amend Chapter 418, Volume 14, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*Section 21,
Chapter 418
of Volume
14, amended

SECTION 1. That the following words: "in excess of five hundred dollars," be added to Section twenty-one of Chapter four hundred and eighteen, Laws of Delaware.

Passed at Dover, April 14, 1885.

CHAPTER 505.

OF FISH, OYSTERS AND GAME.

AN ACT to repeal Chapter Eighty-six, Volume 17th, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*Chapter 86,
Volume 17,
repealed.
Prohibited
from getting
oysters in
Simon's
creek.

SECTION 1. That the act entitled "An act to amend Chapter 390, Volume 16th, Laws of Delaware," passed at Dover, April 19, 1883, being Chapter Eighty-six of Volume 17th of the Laws of Delaware, be and the same is hereby repealed.

Passed at Dover, March 12, 1885.

OF FISH, OYSTERS AND GAME.

CHAPTER 506.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 72 of Volume 14 of the Laws of this State, entitled "An act for the Protection of Fishermen."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1 of Chapter 72, Volume 14 of the Laws of this State, be and the same is hereby amended by striking out all of said section down to the word "*provided*," where it first occurs therein, and inserting in lieu thereof the words: "It shall be unlawful for any person not being a citizen of this state to catch or take fish of any kind in the Delaware bay or river, or any of the creeks emptying into the same, within the limits of this state, nor shall any person, being a citizen of this state, have transferred to him, or in any way have control over or possession of any boat, vessel, or net, which shall be owned, in whole or in part, by any person who is not a citizen of this state, and which is used for the purpose of fishing in the Delaware bay or river, or any of the tributaries thereof, within the limits of this state."

Section 1, Chapter 72, Volume 14, amended.
Unlawful for non-residents to fish within certain limits.
Citizens of this state not to use boats or nets of non-residents for purpose of fishing in said limits.

SECTION 2. That Section 6 of said Chapter 72 be and the same is hereby repealed, and the following inserted as Section 6:

Section 6 of Chapter 72 repealed.

"SECTION 6. Every person, being a citizen of this state, who may desire to fish in the Delaware bay or river, for market, with nets, shall make an affidavit before a justice of the peace of this state, stating that he is a bona fide citizen of the State of Delaware, giving his place of residence and the length of time he has resided at said place, and that he is the true and legal owner of the boat and net to be used in fishing; that he will not use such boat and net, or either of them, in the interest of any person not a citizen of this state. Said affidavit shall be filed in the office of the justice of the peace before whom it is made, and the party making said affidavit shall procure from the justice of the peace a certificate, stating that such an affidavit has been made, and

Affidavit, what to contain.
Where filed.
Certificate of affidavit.

OF FISH, OYSTERS AND GAME.

exhibit and show the same to any person demanding an inspection of the same. The affidavit required to be made and certificate obtained under this section shall be made and obtained before the first day of April in each and every year such person proposes to fish. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, and shall also forfeit the boat, or net, or both, as the case may be, used in fishing."

Misde-
meanor.
Forfeiture
and fine.

Section 9 of
Chapter 72
amended.

SECTION 3. That Section 9 of said Chapter 72 be and the same is hereby amended, in line 3 of said section, by striking out the word "fish" and inserting the word "shad."

Passed at Dover, April 6, 1885.

CHAPTER 507.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Preservation of Game and Game Fish.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Taking or
sale of cer-
tain game
between
certain peri-
ods declared
unlawful.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person within New Castle county, to hunt, kill, take or destroy, sell or expose for sale, or have in his or her possession, after the same has been killed, any partridge, grouse, quail, woodcock, rabbit or hare, between the first day of January and the 15th day of November following, and in Kent and Sussex counties between the 1st day of February and the 15th day of November following, or any reed-bird, ortolan, or rail, in either of the counties of this state, between the first day of February and the 1st day of September; or any wild goose, swan, brant, or any wild duck, except the summer or wood-duck, between the 15th day of April and the 1st day of October in any year. And if any person shall hunt, kill, take or destroy, sell, or expose for sale, or have in his or her possession after the same has been

OF FISH, OYSTERS AND GAME.

killed, any bird or animal named in this section contrary to the provisions of this section, such person shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this state, shall be fined five dollars (\$5.00) for each and every bird or animal so taken, killed, sold or exposed for sale, or had in his or her possession in violation of the provisions of this section, *provided* that nothing in this act shall prevent the shooting of woodcock between the 1st day of July and the 15th day of September. Penalty.

SECTION 2. That it shall be unlawful for any person within this state in any manner to kill, take or destroy any ruffed grouse, commonly called pheasant, any pinnated grouse or prairie-chicken, or western jack-rabbit, for a period of four years after the passage of this act, and if any person shall kill, take or destroy any bird or animal named in this section, contrary to the provisions of this section, such person shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this state, shall be fined fifty dollars (\$50.00) for each and every bird or animal so killed, taken or destroyed in violation of the provisions of this section, and the possession by any person within this state of any of the birds or animals named in this section after the same have been killed, shall be deemed prima facie evidence that said birds or animals have been killed, taken or destroyed by such person in violation of the provisions of this section. Killing of certain birds unlawful. Prohibited for 4 years.
Penalty.
Evidence of guilt.

SECTION 3. That it shall be unlawful for any person to catch, take, kill or destroy, in any of the ponds, creeks, streams or water-courses within this state, any speckled brook trout or black bass for the period of four years after the passage of this act, and if any person within this state shall catch, take, kill or destroy any of the fish named in this section contrary to the provisions of this section, such persons shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this state, shall be fined ten dollars (\$10.00) for each and every fish so taken, caught, killed or destroyed contrary to the provisions of this section, and the possession by any person within this state of any of the aforesaid fish, after the same have been caught or killed, shall be deemed prima facie evidence that said fish had been caught, taken or killed by such person in violation of the provisions of this section. Unlawful to catch speckled trout or black bass for 4 years.
Fine.
Evidence.

OF FISH, OYSTERS AND GAME.

Unlawful to
kill in night
time, or to
catch or kill
certain birds
in net or
trap.

Fine.

SECTION 4. That it shall be unlawful for any person within this state in any manner to take, kill or destroy any partridge, grouse, woodcock, or quail, in the night time, that is to say, from one hour after sunset until one hour before sunrise, or at any time to take, kill or destroy any of the aforesaid birds by net, trap or snare, and if any person shall take, kill or destroy any of the birds named in this section, contrary to the provisions thereof, or shall knowingly sell or expose for sale, or have in his or her possession any of said birds after the same have been so taken, killed or destroyed contrary to the provisions of this section, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined five dollars (\$5.00) for each and every bird so taken, killed or destroyed, sold or exposed for sale, or had in possession in violation of the provisions of this section.

Prohibited
from using
other than
the usual
shotguns for
killing birds

Fine.

Evidence of
guilt.

SECTION 5. That it shall be unlawful for any person to shoot at or kill any wild-goose, swan, duck, or other wild fowl, with any device or instrument known as a swivel or punt gun, or with any gun other than such as are habitually raised at arm's length and fired from the shoulder, or to pursue or kill any of said birds with the aid of any artificial lights or lantern. And if any person shall be found in pursuit of any birds named in this section with such swivel or punt gun in his possession, or shall be found on the water in the night time, pursuing or firing at any of said birds with the aid of any lantern or artificial light, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined fifty dollars (\$50.00) for each and every offense. And if any person shall kill any of the birds named in this section contrary to the provisions of this section, he shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this state, shall be fined five dollars (\$5.00) for each and every bird so killed; and the possession of said birds, after the same have been killed, by any person having at the same time in his possession a swivel or punt gun, or being on the water in the night time with an artificial light, shall be deemed prima facie evidence that such birds have been killed by such person in violation of the provisions of this section.

SECTION 6. That it shall be unlawful for any person within this state at any time to take, kill or destroy (upon lands not

OF FISH, OYSTERS AND GAME.

owned by himself) any of the following birds, viz : Robin, bluebird, martin, swallow, mockingbird, thrush, wakeup, woodpecker, wren, whippoorwill, catbird, nighthawk, oriole, redbird, yellowbird, hummingbird, groundrobin, skylark, flicker, or sapsucker, or willfully to take or destroy the eggs or nest of any of the aforesaid birds, or any other birds except hawks, owls, crows and English sparrows. And if any person within this state shall at any time take, kill, or destroy any of the birds named in this section, and not excepted from the provisions thereof, or shall willfully take or destroy the eggs or nest of any of the said birds not excepted as aforesaid, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined one dollar (\$1.00) for each and every bird, or nest, or eggs so taken or destroyed in violation of the provisions of this section. Unlawful to kill upon lands of another certain birds or destroy nests.

SECTION 7. That it shall be unlawful for any person within this state, on the first day of the week, commonly called Sunday, to hunt or pursue with any kind of fire-arms, dog or dogs, any birds or animals whatsoever; and if any person shall be found hunting as aforesaid on the first day of the week, commonly called Sunday, contrary to the provisions of this section, he shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined ten dollars (\$10.00) for each and every offense. Hunting on Sunday prohibited. Penalty.

SECTION 8. That it shall be unlawful for any person or persons within this state to buy at any time, for purposes of profit or sale, or to sell or expose for sale, except as is hereinafter provided, any bird or animal named in this act without having first obtained a license from the Clerk of the Peace in the county where such person shall reside, permitting him or her to buy and sell the said birds and animals at his or her residence or place of business, at any and all times within one year from the date of said license, when the killing of the same is not prohibited by this act, and not otherwise; and the person named in said license, on procuring the same, shall pay to the Clerk of the Peace the sum of twenty dollars (\$20.00) for said license, and the clerk's fee of fifty cents for issuing the same. But any person, at any and all times during the period when by this act the killing of said birds or animals is not prohibited, may sell, within the limits of the county where such person shall reside, any of the said Not lawful to purchase game for the purpose of sale without license. License \$20. When lawful to sell without license. Not out of the county.

OF FISH, OYSTERS AND GAME.

birds or animals which such person may have himself lawfully killed; and if any person shall buy, sell, or expose for sale any of the birds or animals named in this act contrary to the provisions of this section, he or she shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined five dollars (\$5.00) for each and every bird or animal so bought, sold, or exposed for sale in violation of the provisions of this section.

Penalty.

Unlawful to take or send out of any county game for sale without license.

License \$500.00.

When they can be taken or shipped out of the state or county.

Must file affidavit. Contents.

Two copies each endorsed.

One retained by affiant, one delivered to agent of railroad. Release.

Original affidavit. Evidence. Perjury.

SECTION 9. That it shall be unlawful for any person or persons to ship, take, or carry, or attempt to ship, take, or carry out of any county in this state, for purposes of sale or profit, any bird or animal named in this act, except geese and ducks, without having first obtained from the Clerk of the Peace in the county in which such person shall reside, a license, permitting him or her to ship, take, or carry the said birds or animals beyond the limits of the county or state at any and all times within one year from the date of said license when by this act the killing of the same is not prohibited, and not otherwise; and the person named in said license, on procuring the same, shall pay to the Clerk of the Peace the sum of five hundred dollars (\$500.00) for said license, and the clerk's fee of fifty cents for issuing the same. But any person may ship, take, or carry out of any county in this state, or out of this state, any of the birds or animals named in this act at any and all times when by this act the killing of the same is not prohibited; *provided* such person shall first make affidavit, before some person duly authorized to administer oaths, that said birds or animals have not been unlawfully killed, and are not to be shipped or carried for purposes of sale or profit, and giving, if the same are to be shipped, the name and post-office address of the person to whom to be shipped and the number of birds to be so shipped. Two copies of such affidavit, each endorsed "A true copy of the original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver one of said copies to the railway agent or common carrier receiving said birds or animals for transportation, the said copy to operate as a release to such carrier or agent from any liability in the shipment of the same, and shall keep the other copy for his own protection. The original affidavit shall be retained by the officer administering the oath, and may be used as evidence in any prosecution for violation of this act. Any person swearing falsely to any material fact of said affidavit shall be guilty of perjury

OF FISH, OYSTERS AND GAME.

and punished accordingly. If any person or persons shall ship, take, or carry, or attempt to ship, take, or carry any birds or animals named in this act out of any county of this state, or out of this state, contrary to the provisions of this section, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this state shall be fined five dollars (\$5.00) for each and every bird or animal so shipped, or taken, or carried, or attempted to be shipped, taken, or carried contrary to the provisions of this section.

Penalty for
illegal ship-
ment.

SECTION 10. That it shall be unlawful for any railway, steamboat or express company, or other common carrier, or any of their agents or servants, to receive for transportation or to transport any bird or animal named in this act during the periods when by this act the killing of said birds or animals is prohibited, nor shall any such company or other common carrier, or any of their agents or servants at any other time, receive for transportation or transport any of the aforesaid birds or animals, except when the person shipping or carrying said birds or animals shall exhibit either the license or affidavit prescribed in Section 9 of this act, and if any railway, express or steamboat company, or other common carrier, or any of their agents or servants, shall knowingly receive for transportation, or knowingly transport any birds or animals named in this act, except geese and ducks, contrary to the provisions of this section, such railway, or express, or steamboat company, or other common carrier, shall be deemed guilty of a common nuisance, and upon conviction thereof, before any justice of the peace in this state, shall be fined \$5.00 for each and every bird or animal so received for transportation or transported in violation of the provisions of this section.

When un-
lawful for
express or
transporta-
tion compa-
nies to re-
ceive or
carry game.

Penalty \$5
for each
bird, etc.

Justice of
the peace
has jurisdic-
tion.

SECTION 11. That the justices of the peace in this state shall have plenary jurisdiction of all offenses against the provisions of this act, and upon affidavit made that a person has violated any of the provisions of this act, it shall be the duty of any justice of the peace in the county in which the offense was committed, or in any other county, where the person complained of has had or has in his or her possession any bird or animal named in this act, taken, killed, bought, sold, shipped or attempted to be shipped or transported in violation thereof, forthwith to issue his warrant, directed to the sheriff, or in his absence to any constable, commanding him

Duties of
justice of
the peace.
Full powers
granted.

OF FISH, OYSTERS AND GAME.

In default of paying fine and costs, justice may commit.

Concealment of birds.

When justice may issue search warrant.

All fines collected to be paid to secretary of game association.

Purpose.

Certain acts repealed.

Exception.

to arrest the person so charged and to bring him forthwith before such justice for trial; and if, upon such trial, the said justice shall find that the person arrested has violated any of the provisions of any section of this act, and such person shall fail to pay forthwith the fine imposed by said justice in accordance with the provisions of the section violated, together with the costs of prosecution, such person shall be committed by said justice to the custody of the sheriff for thirty days, unless said fine and costs be sooner paid. Any justice of the peace in this state, upon receiving proof of, or probable cause for believing in, the concealment of any birds or animals mentioned in this act, which have been taken, killed, bought, sold, shipped, or attempted to be shipped in violation of any of the provisions of this act, and upon the complainants giving security, to be approved by said justice, for the damages which the person complained of may sustain in consequence of the complaint, *provided* he shall be found not to have violated the law, shall issue his search warrant and cause search to be made in any house, market, boat, car, or other building, and for that purpose may cause any apartment, chest, box, locker, crate, or basket, to be broken open and the contents examined.

SECTION 12. That all fines collected by any justice of the peace in this state under the provisions of this act, and the money paid to the clerks of the peace for the licenses issued in accordance with the provisions thereof, except the clerk's fees for issuing the same, shall be paid to the Secretary of the Delaware Game Protective Association, to be by him or by said Association used as prescribed in the act incorporating said association, and for aiding in the detection and prosecution of offenses against the provisions of this act.

SECTION 13. That the act entitled "An act to protect certain birds in the State of Delaware," passed February 2d, 1879, and Sections 10, 11, 12, 13, 14, 15, 17 and 18 of Chapter 55 of the Revised Code, and an act entitled "An act to prohibit the destruction of wild game in this State," passed March 14th, 1877, and an act entitled "An act for the Protection of Game," passed January 18th, 1881, and the amendment to Chapter 55 of the Revised Code, passed April 8th, 1881, and an act entitled "An act for the Protection of Game," passed March 26th, 1883, and an act entitled "An act in relation to Game," passed April 20th, 1883, be and the same are hereby repealed, but nothing in this act shall

OF STRAYS.

be taken to repeal or modify an act entitled "An act to incorporate the Delaware Game Protective Association," passed March 28th, 1879.

SECTION 14. That nothing in this act shall be construed to prohibit or prevent any one gunning for his own sport and amusement, in either of the counties of this state, from taking, carrying or shipping by railroad, water, or otherwise, any of the birds or animals named in this act into any other county of this state, or to require as a prerequisite therefor the making of any affidavit. In what cases the provisions of this act do not apply

Passed at Dover, April 9, 1885.

CHAPTER 508.

OF STRAYS.

An act to amend Sections One and Six, Chapter Ninety-two, current Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section One be and the same is hereby amended by inserting after the word "voters" in the fourth line of Section One, and before the word "of," the words: "who are qualified to vote for members of the General Assembly;" and also amend Section Six by inserting after the word "voters," and before the word "of," in the first line of said section, the following: "who are qualified to vote for members of the General Assembly;" and further amend Section Six, by adding at the end thereof the following: "That hereafter there shall be but one election held during any one year." Sections 1 and 6 of Chapter 92, current volume amended. Qualification of voters.

Passed at Dover, March 25, 1885.

OF ROADS AND BRIDGES.

CHAPTER 509.

OF ROADS AND BRIDGES.

AN ACT appointing Commissioners to lay out a Public Road in Broad-
kiln Hundred, Sussex County.

Commissioners.	SECTION I. <i>Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:</i> That Benjamin White, John Fisher and Thomas J. Perry be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is
Location.	need of a public road, to begin at the public road leading from Milton to Lewes, at a point near the residence of Purnel J. Marvel, thence running in a northerly direction touching lands of the heirs of Jesse Blocksom, Matilda Conaway, heirs of Myers Reynolds, Robert Vaughan, and Henry Sharp; thence in a northeasterly direction touching lands of George Prettyman, Greensbury W. Dutton, heirs of George Jones, Edwin R. Paynter, Henry C. Hudson and Moses S. Brittingham; thence in a northerly direction touching lands of Edwin R. Paynter and John P. Holland until it reaches a point on or near "Old Mill-Creek;" thence in a southeasterly direction across the lands of Edwin R. Paynter until it intersects the private road leading over Round bridge; thence a northeasterly direction over said "Round" bridge and then touching lands of the heirs of Rowland Paynter and Cornelius H. King until it intersects the public road leading from Coolspring to Drawbridge and terminating thereat; and if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of some skill-
Surveyor.	ful surveyor, to be by them selected, lay out such new public road as they may seem proper, having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the most remarkable places, and of the wood land, cleared land, and improvements by and though which the
Plot.	same shall pass, and they shall assess the damages of every owner of said land and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which shall accrue to each
Damages.	of said owners, and they shall make a computation of the
Computation of costs.	costs of opening and making said road and making the

OF ROADS AND BRIDGES.

bridges and causeways thereon, setting down the several items of said cost, and if a road shall be laid out shall, in their return to be made to the Clerk of the Peace in and for Sussex county, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return the plot as aforesaid.

SECTION 2. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners or any public officer qualified to administer oaths. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any judge of this state, or by any justice of the peace residing within said county. The fee of the commissioners shall be two dollars each, and the fee of the surveyor three dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

Vacancies,
how filled.

Fees.

SECTION 3. The plot and return so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for Sussex county aforesaid, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed by said commissioners. And when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulation and laws as other public roads in said county.

Plot and
return to
Clerk of the
Peace.

Levy Court
may adopt
said road.

Adjust
damages.

Passed at Dover, February 2, 1885.

OF ROADS AND BRIDGES.

CHAPTER 510.

OF ROADS AND BRIDGES.

AN ACT authorizing and empowering the Road Commissioners of Blackbird Hundred to purchase a lot of land in the Village of Blackbird, &c.

Authorized
to purchase
land on
which to
erect an
office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James L. David, John Lockerman and John Seemans, Road Commissioners of Blackbird Hundred, are hereby authorized and empowered to use and expend a sum not exceeding three hundred dollars, out of the road taxes raised for the benefit of the public roads and bridges of said hundred, for the purpose of purchasing a lot of land in the village of Blackbird and to erect thereon a building for an office for the use of said road commissioners.

May ex-
pend \$50 for
furniture.

SECTION 2. The road commissioners aforesaid are further empowered to expend a sum not to exceed fifty dollars, out of the road taxes of said hundred, for the purpose of purchasing furniture for the office aforesaid.

Building to
be insured.

SECTION 3. The road commissioners aforesaid, or their successors in office, are empowered to have the building which may be erected by authority of this act insured in some mutual fire insurance company of this state, and to pay the cost of such insurance and the interest annually on the policy of said insurance out of the road taxes of said hundred.

Building,
how used.

SECTION 4. The building which may be erected as aforesaid may be used for the purpose of holding public meetings, primary elections, &c., therein, subject to the consent and approval of the road commissioners aforesaid.

Title,
how vested.

SECTION 5. The deed of conveyance for the lot of land purchased by authority of this act shall be made to James L. David, John Lockerman and John L. Seemans, road commissioners for Blackbird hundred, or their successors in office forever.

Passed at Dover, February 18, 1885.

OF ROADS AND BRIDGES.

CHAPTER 511.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Seaford Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Thomas B. Giles, William Joseph Cannon, Robert Brown, William E. Rodgers and William E. Cannon, five judicious and impartial citizens and freeholders of Sussex county, be and are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a new public road in Seaford hundred, Sussex county, to be of the same width as other public roads in said county, to begin at or near Cannon's Station on the Delaware Railroad and to run thence on, near or across the land of J. C. Allen, lands of J. B. Allen, lands of John Kinder, lands of Emory Short, lands of Amos Corbin and lands of others, any or all of them as the commissioners shall determine, until the same shall intersect the public road leading from Seaford to Horsey's X Roads at or near the farm of Samuel Ford, and to terminate at said road; and if they or a majority of them shall determine that there is need of a new public road as aforesaid, they shall, with the assistance of a surveyor to be selected by them, lay out the same in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment, and shall make a map of said road, showing its courses and distances, the wood lands and cleared lands through which it passes and other proper notes, and shall assess the damages of every the owners or holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue to them therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein respectively, and shall make said map, assessment of damages and computation of cost, and also their determination that such road is needed for public convenience, part of their return, which said return shall be by them deposited with the Clerk of the Peace of Sussex County within six months from the passage of this act, and shall be by him laid before the Levy

Commissioners.

Location.

Surveyor.

Plot.

Damages.

OF ROADS AND BRIDGES.

Plot and
return laid
before Levy
Court.
May adopt
said road.

Court of said county at their next ensuing stated meeting, that an appropriation for opening the same as a public road may be made by them, and thereupon the said road shall be deemed and taken to be established as a new public road, and shall be opened, made and repaired in the same manner and at the same charges, and by the same parties as other public roads in Sussex county are opened, made and repaired, and all laws relative generally to the other public roads in said county shall be applicable to said new public road.

Commis-
sioners and
surveyor
sworn.

SECTION 2. That the commissioners and surveyor, before entering upon the duties hereby assigned them, shall be sworn or affirmed faithfully and impartially to perform the same according to the best of their skill and judgment, which oath or affirmation may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies occurring among said commissioners, another or other may be appointed to fill such vacancy or vacancies by any justice of the peace in said Sussex county upon application in writing made to him by any party or parties interested in the laying out of the said new public road.

Vacancies,
how filled.

Fees.

SECTION 3. That the fees of the commissioners, surveyor and chain-carrier, and such other persons as may be employed in laying out said new public road, shall be the same as now provided by law for such services in laying out new public roads, and shall be paid in like manner.

Passed at Dover, February 24, 1885.

CHAPTER 512.

OF ROADS AND BRIDGES.

AN ACT appointing Commissioners to lay out a Public Road in Baltimore Hundred, Sussex County, Delaware.

Preamble.

WHEREAS on or about the year 1847 the Court of General Sessions of the Peace and Jail Delivery in and for the County of Sussex, upon a petition preferred to said court, appointed freeholders, as required by law, to lay out and locate a road

OF ROADS AND BRIDGES.

in said Baltimore hundred, as designated in said petition; and whereas the freeholders appointed by said court did lay out said road as required in said order, and made return of the same at the next term of said court, stating in said return the courses and distances of the same, which said return was confirmed by said court then sitting; and whereas only a portion of said road as returned as aforesaid was accepted by the Levy Court in and for the County of Sussex and opened by said court for public travel; and whereas the needs of the public are such that that portion of said road so laid out by the aforesaid commissioners, but which now remains unopened, should be opened for public travel,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That William A. Gum, David C. Hudson ^{Commissioners.} and Robert W. Daisey be and they are hereby appointed commissioners to go upon and view and lay out the aforesaid road so laid out as aforesaid in Baltimore hundred, commencing at the terminus of that part of said above described road ^{Location.} which has been opened and accepted by the Levy Court aforesaid at or near the road leading across a tract of land called Hog's Quarter, on the State road, on lands of the heirs of John Hickman, deceased, leading from Frankford to Berlin; thence running to the lines of lands of heirs of Ada S. Houston, deceased; thence with said lands until it strikes the lands of Joseph W. Hudson; thence running until it intersects with the road leading from Baltimore Mills to McNeal's School House; thence with said road across McCray's branch; thence with an old road across lands of Captain John Tingle and others to a public road leading from Baltimore Mills to Roxana on lands of John Long, near the house where he now resides; and if they, or a majority of them, shall determine that there is need of changing the courses and distances of said road so laid out as aforesaid under said order as aforesaid, with the assistance of some skillful surveyor to be by them ^{Surveyor.} selected, they shall lay out said road as they may deem proper, using the courses and distances so laid out as aforesaid, or altering and changing the same if they or a majority of them shall so determine, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, ^{Plot.} representing the courses and distances thereof, with notes of the most remarkable places, and of the wood land, cleared

OF ROADS AND BRIDGES.

Damages. land and improvements by and through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the cost of opening and making said road and making the bridges and causeways thereon, setting down the several items of said costs; and if the road as laid down as aforesaid shall be changed by the said commissioners hereby appointed, in their return to be made to the Clerk of the Peace in and for Sussex county they shall set forth a description of said road, with the changes, if any, in the same, which by this act they are authorized to make, and their determination of the need of the same, and shall annex to their return the plot as aforesaid.

Plot and return to Clerk of the Peace.

Levy Court may adopt said road.

SECTION 2. The plot and return to be made by the said commissioners shall be returned to the Clerk of the Peace in and for Sussex county aforesaid, to be by him laid before the Levy Court of said county, and the said Levy Court shall adopt said road as a public road or highway, and settle such damages as may have been assessed, and, said road being adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Oath, by whom administered.

SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath or affirmation may be administered by either of said commissioners or any public officer qualified to administer oaths. The act of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioners by any judge of this state or by any justice of the peace residing within said county. The fee of each commissioner shall be one dollar, and the fee of the surveyor two dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

Vacancies, how filled.

Fees.

Passed at Dover, February 26, 1885.

OF ROADS AND BRIDGES.

CHAPTER 513.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Baltimore Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION I. That Stephen Aydelotte, H. H. Hickman and Charles Howard, three judicious and impartial citizens and freeholders of Sussex county, be and are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Baltimore hundred, Sussex county, to be of the same width as other public roads in said county, to begin at some point at or near the house where Kendall Rickards now resides and running through the lands of said Kendall Rickards, also Levin H. Bennett and Reuben Lynch, until it intersects the county road leading from H. H. Hickman's store to Baltimore Mills, and runs along the said road near the Trap School House, then running in a southwesterly direction between lands of John Wilgus, Peter Bennett, Jehu Bennett; thence across lands of Charles Rickards, Isaac Rickards, Robert Wilgus and Jacob Wilgus, and terminating at Roxana. And if they, or a majority of them, shall determine that there is need of a public road as appraised, they shall, with the assistance of a surveyor to be selected by them, lay out the same in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment; and shall make a map of said road, showing its courses and distances, the wood land and cleared land through which it passes, and other proper notes, and shall assess the damages of every owner or holder of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein separately, and shall make said map, assessment of damages and computation of cost, and also their determination that such road is needed for public convenience, part of their return, which said return shall be by them deposited with the Clerk of the

Commissioners to determine whether there is need of new public road.

Location.

Surveyor.

Map of road

Damages.

Computation of costs.

Return.

OF ROADS AND BRIDGES.

Appropriation for new road.

Peace of Sussex County within six months of the passage of this act, and shall be by them laid before the Levy Court of said county at their next ensuing stated meeting; that an appropriation for opening the same as a public road may be made by them, and thereupon the said road shall be deemed and taken to be established as a new public road, and shall be opened, made and repaired in the same manner and at the same charges and by the same parties as other public roads in Sussex county are opened, made and repaired, and all laws relating generally to the other public roads in said county shall be applicable to said new public road.

Oath, by whom administered.

SECTION 2. That the commissioners and surveyor, before entering upon the duties hereby assigned them, shall be sworn or affirmed faithfully and impartially to perform the same according to the best of their skill and judgment, which oath or affirmation may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of vacancy or vacancies occurring among said commissioners, another or others may be appointed to fill such vacancy or vacancies by any justice of the peace in said Sussex county, upon application in writing made to him by any party or parties interested in the laying out of said new public road.

Vacancies, how filled.

Fees.

SECTION 3. That the fees of the commissioners and surveyor and chain-carriers, and such other persons as may be employed in laying out said new public road, shall be the same as now provided by law for such services in laying out new public roads, and shall be paid in like manner.

Passed at Dover, March 10, 1885.

OF ROADS AND BRIDGES.

CHAPTER 514.

OF ROADS AND BRIDGES.

AN ACT to authorize the Levy Court and Court of Appeals of Kent County to Change the Drawbridge over Little Duck Creek, called Leipsic Bridge, into a Permanent Bridge.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall and may be lawful for the Levy Court and Court of Appeals of Kent County to change the drawbridge now being over the waters of Little Duck Creek, known as Leipsic Bridge, and to convert the same into a permanent bridge; and the cost and expenses of changing and altering the same and of maintaining the said permanent bridge, when the same shall have been so altered and changed, shall be raised and borne in the same manner as other public bridges within Kent county are by the laws of this state.

Passed at Dover, March 10, 1885.

CHAPTER 514.

OF ROADS AND BRIDGES.

AN ACT vacating part of a Public Way near the Town of Dover, called Lincoln Street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That so much of the public way laid out on the occasion of the sale of lands of Ezekiel Lincoln, and called on the plot thereof Lincoln street, situated near the town of Dover, as lies between the east line of land of Nathaniel B. Smithers, if extended across said way, and the west line of land of Eli Saulsbury and William Saulsbury so extended, be and the same is hereby vacated, and that the respective owners of lands on each side of said way shall have the right

OF ROADS AND BRIDGES.

to take in and inclose the lands contained in the part hereby vacated as far as the centre thereof from each side, according to their several holdings.

Passed at Dover, March 11, 1885.

CHAPTER 516.

OF ROADS AND BRIDGES.

AN ACT to open a New Public Road in Kenton Hundred, Kent County, and to vacate an order for one in same.

Preamble.

WHEREAS two public roads extending through a block of land lying in Kenton hundred, bounded by the public roads leading from Blackiston's X Roads to Millington, from same to Underwood's corner, from said corner to Blanco, and from Blanco to the said Millington Road, have been laid out and confirmed by the Court of General Sessions, &c., &c., but not yet approved and opened by the Levy Court of Kent County, and as one of said roads is unnecessary and would be injurious to public and private interests,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commissioners appointed to lay out road.

SECTION 1. That Thomas Attix, John Pratt and Francis P. Burrows be and are hereby appointed commissioners, who are hereby authorized, empowered and directed to go upon and view the premises on which is a public road laid out and confirmed at the April Term of the Court of General Sessions, &c., A. D. 1872, beginning at a stake on the south side of the public road leading from Smyrna to Millington, said stake being twenty feet from the northwest corner of Blackiston's Church, and thence running southeastwardly through the lands formerly of B. F. Blackiston, Johnson and Goldsborough, William Sharp and Ebenezer Burrows, and terminating in the road leading from Smyrna to Blanco at an angle in said road east of the dwelling house of Mrs. Godwin. And said commissioners, being first duly sworn or affirmed to perform the service under this act faithfully and impartially, or a majority of them, shall make a new assessment of the

Location.

Commissioners sworn.

OF ROADS AND BRIDGES.

damages of every the owners of such land occasioned by the said road, considering all circumstances of benefit or injury which may accrue therefrom; and said commissioners shall make a written return of their assessments of damages to said land owners, as soon as may be, to the Clerk of the Peace of Kent County, to be laid before the Levy Court at their first meeting thereafter, and the said Levy Court may proceed to make appropriations to meet the damages and costs of such road whenever the commissioners shall have made due return thereof in accordance with the plot and return thereof of the original commissioners (excepting the damages to land owners assessed therein and what be herein-after provided). And the said assessment of damages under this act shall be final and conclusive as the true and sole allowance for damages in said lands for the new roads.

Assessment
of damages.

Return.

Appropriations
by
Levy Court.

Assessment
of damages
conclusive.

SECTION 2. *And be it enacted as aforesaid,* That the owners of the lands formerly of Johnson and Goldsborough are hereby permitted to retain, for ten years from the opening of said road, a detour in the road such as now exists in the private road through the premises, beginning at a point where the second gate now is, from the said place of beginning at Blackiston's Church; thence in a southerly course about forty-one perches, more or less, to a point below the dwelling on said farm, and thence with the said private road south 87 degrees, 12 minutes east, in a straight course until it intersects the road as laid in said plot. And the said commissioners shall be authorized to vary from the initial point of said road as much as may be necessary to avoid the enclosed ground of the aforesaid Church, and then proceeding in a straight line as near as may be the original course.

Rights of
owners of
certain lands

Powers of
commis-
sioners.

SECTION 3. *Be it enacted as aforesaid,* That the road laid out and confirmed at the October term of the Court of General Sessions, &c., &c., A. D. 1884, beginning in the road leading from Blanco to Blackiston's Church, at or near a point in the division line of the lands of Samuel Hutchinson and Miss Ann E. Blackiston, and thence in an easterly course through the lands of the said Blackiston, lands formerly of Nowland and Green, John Sinn's heirs, Braddock, and of Mary Shahan, and terminating in the public road leading from Blackiston's X Roads to Kenton, shall be and is hereby declared vacated.

Road
vacated.

SECTION 4. *Be it enacted as aforesaid,* That said commissioners may call to their assistance such aid as may be

OF ROADS AND BRIDGES.

Compensation of commissioners.

necessary, and shall be compensated as road commissioners are usually paid by law, and that this act shall be deemed and taken to be a public act.

Passed at Dover, March 12, 1885.

CHAPTER 517.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Mispillion Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commissioners to lay out road.

Location.

Plot and return to Levy Court.
Appropriation.
Proviso.

Commissioners sworn.

Compensation.

SECTION 1. That Henry Thawley, Henry Saulsbury and William J. Layton be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion hundred in Kent county, beginning at a point at or near Hickmantown, running parallel with the state line until it intersects the public road known as the Saulsbury road, a distance of one mile, more or less. If they, or a majority of them, shall determine that there is need of a new road, they shall lay out the same, assess the cost of the expenses thereof of making the said road, and cause a plot to be made, with a return, to the Levy Court of said county, that an appropriation for opening the same as a public road may be made; *provided* that no damages or allowances shall be made, allowed or considered for any land that may be taken or required in laying out and opening the said road.

SECTION 2. *Be it enacted*, That the commissioners be sworn or affirmed, before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

SECTION 3. *Be it enacted*, That the pay of the commissioners shall be one dollar each, and the surveyor a sum not to exceed ten dollars for making survey, plot and return, and that the Levy Court shall cause the same to be paid, and may make appropriation for opening and making of the same as a public road.

Passed at Dover, March 20, 1885.

OF ROADS AND BRIDGES.

CHAPTER 518.

OF ROADS AND BRIDGES.

AN ACT for the Relief of the Road Commissioners of Christiana Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Road Commissioners of Christiana Hundred be and are hereby authorized and empowered to levy and collect a sum not exceeding seven hundred and fifty dollars, in each of the years eighteen hundred and eighty-five, and eighteen hundred and eighty-six, and eighteen hundred and eighty-seven, respectively. This said sum of seven hundred and fifty dollars to be in addition to the amount now authorized by law to be collected for the years above named, and no longer.

Road commissioners authorized to levy sum not to exceed \$750.00 annually for two years.

SECTION 2. That the said road commissioners shall apply the sum of fifteen hundred dollars (as authorized by Section one to be collected) to the payment of a debt now due by said commissioners, and for no other purpose whatsoever.

Applicable to present debt.

Passed at Dover, March 23, 1885.

CHAPTER 519.

OF ROADS AND BRIDGES.

AN ACT to enable the Levy Court of New Castle County to Build a Bridge over the Christiana Creek, in the place of the Third Street Bridge, in Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Levy Court of New Castle County shall have and is hereby granted full power and authority to reconstruct the bridge over the Christiana Creek at Third street in the City of Wilmington.

Authority to reconstruct Third street bridge.

OF ROADS AND BRIDGES.

Location,
how
changed.

SECTION 2. *Be it further enacted,* That if it should seem advisable to the Levy Court to change the location of the bridge from its present site to any point not east of Fifth street or west of Church street, full authority is hereby given to make such change of site by a vote of at least two-thirds of the members of the said Levy Court.

When
Superior
Court may
appoint
commission-
ers to assess
damages.

SECTION 3. *And be it further enacted,* That whenever it shall be necessary for the Levy Court aforesaid, for the purpose of building the said bridge, or the approaches thereto, or making the same accessible, to enter in and upon and occupy any lands, the owners of which refuse to permit such entry and occupation, then it shall be lawful for the Superior Court of New Castle County, in term time, or any judge of

Certificate
of award.

the said court in vacation, upon application of the said Levy Court, and at the cost and charge of the same, to appoint five disinterested men of the said county, who shall go upon the said lands and assess the damages of such owner or owners fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of said bridge to the said owner or owners, and the said commissioners shall certify their finding and award to both parties; whereupon the Levy Court, on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands for the purpose required by them forever. And in case the owner or owners of any land necessary for the purposes of the Levy Court shall be a minor, or non-resident, or for any cause incapable of receiving, or unwilling, or neglecting to receive said damages, the said Levy Court may deposit the amount of the said damages to the credit of said owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, subject to the order of such owner or owners; whereupon the said Levy Court shall be entitled to have, use and enjoy the said lands and premises required for the purposes aforesaid for or on account of which the damages shall have been so assessed. The expenses of the assessment of said damages shall always be paid by the Levy Court.

Rights of
Levy Court.

In case of
minor or
non-resi-
dent owners
amount of
damages de-
posited in
bank.

Passed at Dover, March 25, 1885.

OF ROADS AND BRIDGES.

CHAPTER 520.

OF ROADS AND BRIDGES.

AN ACT to Change and Straighten a part of the Public Road in Mispillion Hundred in Kent County, leading from Jester's Cross-Roads to the Village of Farmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Alexander Johnson, William Tharp and John M. Eisenbury be and they are hereby appointed commissioners, who are hereby authorized, empowered and directed to go upon and view the lands and premises and determine whether it is necessary for the public convenience to change and straighten a part of the public road leading from Jester's Cross-Roads to the village of Farmington, as follows: Beginning at a point in the said public road at or near a corner for lands of James M. Cain, David P. Anderson and Wm. W. Dashiell, and running thence in about an easterly direction down the dividing line lately established between lands of the said David P. Anderson and the said William W. Dashiell until it intersects said public road; thence down said public road in about an easterly direction continued until it intersects lands of Zebulon Hopkins; thence in about an easterly direction continued through or across lands of the said Zebulon Hopkins, lands of Anna Maria Walton, lands of Ephraim S. Loux, other lands of the said Zebulon Hopkins, lands of Moses Harrington and lands of George F. Smith, until it intersects the said public road at a curve therein about one hundred and fifty yards southwest of the dwelling house of the said George F. Smith. If the said commissioners shall determine that the public convenience requires that the said public road shall be changed and straightened as aforesaid, then they shall, with the assistance of a skillful and impartial surveyor, by them to be employed, locate and lay down the same in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals; and they shall cause a plot thereof to be made, showing the courses and distances, with notes of the most remarkable places, and shall assess the damages of every the owners or holders of lands and premises on occasion of the

Commissioners.

Location of road.

Surveyor.

Plot and return.

Damages.

OF ROADS AND BRIDGES.

changing and straightening of the said part of the said public road as aforesaid, and shall make a computation of the costs of changing and straightening the same, setting down the several items of said costs.

Computation of costs.
Plot and return filed with Clerk of the Peace

SECTION 2. That the said plot, together with the returns of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at its regular session or any adjourned session thereof, and if no sufficient objection be made thereto, then the said Levy Court of said county shall approve and confirm the said plot and returns of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners, and shall pay the legal charges of the commissioners, surveyors, &c., as other similar expenses are paid. When the said plot and return shall have been approved and confirmed, that part of said public road so changed and straightened as hereinbefore provided, shall be and remain subject to the same laws and regulations applicable to public roads in Kent county.

Damages paid by Levy Court. Charges of commissioners, et al.

Vacated.

SECTION 3. That the parts of the said public road supplied by the changing and straightening thereof as hereinbefore provided, shall be vacated, and may be taken in and enclosed by the owner or owners whose lands they adjoin or pass through.

Oath of commissioners and surveyor.

SECTION 4. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties faithfully and impartially, and with fidelity, and the surveyor to perform the services required of him faithfully, impartially and with fidelity, according to the best of his skill and judgment, which oath or affirmation may be taken before any notary public or any justice of the peace in and for Kent county; and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them; and in case of any vacancy or vacancies, another or other commissioners may be appointed by the remaining commissioner or commissioners to supply such vacancy or vacancies.

Vacancies, how filled.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 31, 1885.

OF ROADS AND BRIDGES.

CHAPTER 52I.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in East Dover Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Henry Ridgely, Thomas Pickering, John H. Bishop, Webster D. Learned and Caleb S. Pennewill be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at or near the northern end of State street, of the town of Dover, and to run thence across the pond known as Skakespear's Mill-pond and through the lands now or late of Thomas Adkins, Hannah M. Cowgill and Samuel Moore, so as to intersect the public road leading from Dover to Smyrna at or near the point where the direct road to Leipsic meets said Smyrna road. And if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor to be by them elected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road; and they shall assess the damages which may be sustained by any owner or owners of lands through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the cost of opening and making said road and making the bridges and causeways thereon for that purpose, causing the depth of water and nature of bottom in the line of said road across the said pond to be determined; and, if a road shall be laid out, shall, in their return to be made to the Clerk of the Peace in and for Kent county, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

Commissioners to determine as to new road.

Location.

Surveyor.

Plot.

Assessment of damages.

Computation of cost.

Return.

SECTION 2. That the plot and return so to be made as

OF ROADS AND BRIDGES.

Plot and
return to
Levy Court.

aforesaid by the said commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and if the Levy Court shall approve the said road so laid out as aforesaid, they may make such allowances as may be necessary to make and open the said road.

Allowances.

Oath, by
whom ad-
ministered.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their judgment and skill. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred.

Vacancies,
how filled.

In case of a vacancy or vacancies in the number of commissioners hereinbefore named, from any cause, another or other commissioners may be appointed by any Judge of the Superior Court in this State. The fees of commissioners, surveyor and chain-carrier shall be the same as are provided by law for similar services in the laying out of public roads, and shall be paid by the Levy Court of Kent County.

Fees.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, March 31, 1885.

CHAPTER 522.

OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a New Public Road in Milford Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners.

SECTION 1. That Silas T. Jenkins, Charles Barker and William Chipman, three judicious and impartial citizens and freeholders of Milford hundred, county and state aforesaid, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road, to begin at a point in a public road leading past William

Location.

OF ROADS AND BRIDGES.

Chipman's residence and land of the Potter estate to Harrington, thence in a southerly direction mainly along the route of a private road across the said Potter estate till it intersects another public road leading by the south side of said estate to Milford. And if they, or a majority of them, shall determine that there is need of a new public road, they shall (with the assistance of a skillful surveyor by them employed) lay out the same, and assess the damages, if any, and estimate the cost of making said road, and cause a plot to be made, with a return to the Levy Court of said county, that they may make appropriation for opening the same as a public road.

Surveyor.
Damages.
Plot and
return.
Appropriation
by
Levy Court.

SECTION 2. That the commissioners and surveyor by them employed be sworn or affirmed by each other before entering upon their duties hereby assigned, to perform them faithfully and impartially.

Commissioners and
surveyor
sworn.

Passed at Dover, March 31, 1885.

CHAPTER 523.

OF ROADS AND BRIDGES.

AN ACT to amend Section 13 of Chapter 60 of the Revised Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 13 of Chapter 60 of the Revised Code be and the same is hereby amended by inserting the following words after the word "hundred" in paragraph 4, Section 13: "That the overseers so appointed shall make all general repairs to the roads between the first day of May and the first day of July in each and every year. This amendment to apply to White Clay Creek hundred only."

Section 13
of Chapter
60 Revised
Code
amended.

Applicable
to White
Clay Creek
hundred
only.

Passed at Dover, April 1, 1885.

OF ROADS AND BRIDGES.

CHAPTER 524.

OF ROADS AND BRIDGES.

AN ACT to authorize E. E. Hearn and — Parker to Straighten and Change a certain Public Road on their own land in Nanticoke Hundred in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorized
to straighten
part of
public road.

Location.

Expenses,
how borne.

Old road
vacated.

SECTION 1. That E. E. Hearn and — Parker be and they are hereby authorized and empowered to straighten that part of the public road leading from Knowles' Cross Roads to the Old Furnace Mills, in Nanticoke hundred, in Sussex county, commencing at or near the pine tree in said public road, and thence running in a straight direction till it intersects the road leading from the Old Furnace Mills to the mills of C. S. Fleetwood at or near the dwelling and store of E. E. Hearn, and from thence to the Old Furnace Mills.

SECTION 2. That the road so straightened and put in good order for public travel, at the expense of the said E. E. Hearn and — Parker, shall be a public road, and that the owners of the land through which the old road runs may inclose said old road, and the same shall be vacated whenever the said new road shall be accepted by the Levy Court of Sussex County.

Passed at Dover, April 2, 1885.

CHAPTER 525.

OF ROADS AND BRIDGES.

AN ACT to change a Public Road in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
determine
as to neces-
sity of
change in
public road.

SECTION 1. That John L. Treenwalt, John C. Morrison and Pusey Pennock, three judicious and impartial citizens of New Castle county, be and they are hereby appointed commissioners to go upon and view the lands and premises and

OF ROADS AND BRIDGES.

determine whether it is necessary for public convenience to change the public road leading from the bridge over Pike Creek, at Taylor's Factory, to Ward's Mill, in Mill Creek hundred, New Castle county, as follows: Beginning at a point in the said road between the said bridge and the bridge over a race on the east of said creek, and running thence in a southerly direction through lands of James Ward to a culvert in said road near "Ward's Spoke Mill." If the said commissioners shall so determine that the said road shall be changed as aforesaid, then they shall, with the assistance of a skillful surveyor, locate and lay down the same, and assess all damages on account of the location thereof, and also the costs of making the said change, and they shall make a plot of the same, showing the courses and distances.

Location.

Surveyor.

Damages.

Plot.

SECTION 2. That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for New Castle county, to be by him laid before the Levy Court, that the said Levy Court may open said road by paying such damages and costs as may have been assessed by said proceedings, and when said road may have been returned and opened by the Levy Court of New Castle County, the same shall be and remain a county road.

Plot and return laid before Levy Court.

Adopted by court.

SECTION 3. That the said commissioners, and the surveyor selected by them, before entering upon any of the duties required of them under this act, shall be severally sworn or affirmed, faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any Justice of the Peace of New Castle County. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act.

Sworn.

Vacancies, how filled.

SECTION 4. That the pay of the commissioners, surveyor, and chain-carrier, shall be such as the Levy Court may deem proper.

Compensation.

SECTION 5. That William F. Little be and he is hereby authorized to enclose such parts of the said road as are superseded by the road hereinbefore authorized to be opened.

Road inclosed.

OF ROADS AND BRIDGES.

Public act.

SECTION 6. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1885.

CHAPTER 526.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in Mispillion Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners.

SECTION 1. That Reuben Ross, Samuel A. Tharp and William H. Anderson, judicious and impartial citizens, be and they are hereby appointed to go upon and view the premises and determine if there is need of a public road in Mispillion hundred, Kent county and state aforesaid, beginning at a point on the public road leading from Noah Cain's farm to the hickory on the Vernon road and running a southwest course across lands of Noah Cain until it comes to the dividing line between lands of Philemon Hopkins and Eli Calloway, and following said line until it intersects lands of John K. Truitt, thence south across Truitt's lands to the end on the new road leading from the Vernon road to John Nowell's farm; and if they, or a majority of them, shall determine that the public convenience requires the laying out and making a new public road on the route designated, they shall, with the assistance of a skillful surveyor, after being duly sworn or affirmed, lay out such new road as they deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of opening and making said road.

Location.

Surveyor.

Plot and return.

Damages.

Computation of cost.

Plot and return laid before Levy Court.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent

OF ROADS AND BRIDGES.

County, to be by him laid before the Levy Court of said county, that they may make appropriation for the opening and making of the same as a public road. Appropriation.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed. Oath, by whom administered.

Passed at Dover, April 2, 1885.

CHAPTER 527.

OF ROADS AND BRIDGES.

AN ACT to Repeal Chapter 86, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 86, Volume 16, Laws of Delaware, be and the same is hereby repealed, made null and void. Chapter 86, Volume 16 repealed.

Passed at Dover, April 3, 1885.

CHAPTER 528.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Broad Creek Hundred in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Wm. J. West, Elijah Hudson and Wm. H. Rodney, three judicious and impartial citizens and freeholders of Broad Creek hundred, Sussex county and State of Delaware, be and are hereby appointed to go upon and Commissioners to view road.

OF ROADS AND BRIDGES.

view the premises and determine whether there is need of a public road in said hundred, county, and state aforesaid, beginning at the public road leading from Laurel on by Rodney's store to Millsboro, at a corner of the line between the lands of John Rodney of David, and John S. Hudson; thence with said line in a southerly direction until it reaches the second ditch on said line near the corners of the lands of John Rodney of D.; thence across the lands of John S. Hudson until it reaches a corner of the lands of Stansbury C. Mathews; thence with the lines of said Mathews' lands until it reaches a corner of the lands of Ebenezer Parsons; thence with the line between the lands of said Mathews and Parsons until it reaches the public road now leading from Jacob W. Cannon's residence on by the residence of Stansbury C. Mathews to Lowe's Cross Roads. And if said commissioners, or a majority of them, being first duly sworn, shall determine that there is need of a road as above mentioned, then they shall, by assistance of a surveyor to be by them employed and duly sworn, proceed to the most advantageous to the public and the least injury to the individuals of the lands along or through which the same shall pass; and shall cause a draft thereof to be made, having respect to the nature of the ground, the shortness of the distance, and all circumstances of a public or private convenience as determined; and shall assess the damages to owner or owners of land through which the same shall pass, if, in their judgment, they are entitled; and shall, in their return, set forth a description of said road and their determination that there is need of the same to the Levy Court and Court of Appeals of said county, representing the courses and distances thereof; and when said road shall be adopted by the Levy Court and Court of Appeals as aforesaid the said road shall then be deemed and taken as a public road, and shall be maintained and supported as other roads in said county.

Location.

May employ surveyor.

Plot.

Damages.

Plot and return laid before Levy Court.

Compensation.

SECTION 2. That the pay of the commissioners, surveyor, and chain-carriers, may be such as the Levy Court shall deem proper, *provided*, that no part of the expenses or any charge or cost of opening and constructing said road shall be incurred or paid by the county.

Passed at Dover, April 7, 1885.

OF ROADS AND BRIDGES.

CHAPTER 529.

OF ROADS AND BRIDGES.

AN ACT authorizing Joseph W. Phillips to change the course and direction of two roads in Little Creek Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph W. Phillips be and he is hereby authorized and empowered to change that part of the public road leading from the north end of Bloomery Milldam to Mt. Pleasant M. E. Church, in Little Creek hundred, Sussex county, commencing at a point on said road at or near where the Pocohontas steam saw-mill formerly stood, and running from thence for the new road as changed in a northerly direction along the divisional line dividing lands of John Cooper, Levin T. Cooper, Joseph W. Phillips and Samuel H. and Levin R. Bacon, to a corner of said Phillips' and Bacons' land; thence turning in an easterly direction along a divisional line of said Phillips and Bacons' to a point on the old road where said divisional line crosses the same; also to empower the said Joseph W. Phillips to change that part of a public road leading from Columbia school house, in School District No. 49½, through his own farm, commencing at a point on said road at or near the said Phillips' barnyard gate and running from thence in a southerly direction a short distance to intersect the turning point in the above described change at the corner of said Phillips' and Bacons' land.

SECTION 2. That when the said Joseph W. Phillips shall have made said changes in said roads, in accordance with Section one of this act, at his own expense, to the width of thirty feet, and put the same in good order for public travel, the said Joseph W. Phillips is to have authority to inclose that part of one of the roads so vacated, and Samuel H. and Levin R. Bacon be permitted to inclose that part of the other road so vacated as crosses their lands respectively; and the new part of said road so opened shall be deemed a part of the public roads of Sussex county and maintained at the public expense.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1885.

OF ROADS AND BRIDGES.

CHAPTER 530.

OF ROADS AND BRIDGES.

AN ACT authorizing Jacob W. Cannon to Straighten a Public Road on his own land and the land of Stansbury C. Mathews.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Jacob W.
Cannon
authorized
to straighten
public road.
Location.

SECTION 1. That it shall and may be lawful for Jacob W. Cannon to straighten the public road leading from Terrapin Hill and intersecting with the road leading from Lowe's Cross-Roads to the town of Laurel; and when and as soon as the said Jacob W. Cannon shall put the said piece of road to be straightened in good order and fit for public use, he shall have, and is hereby given, the right and authority to close up the part of the old road vacated which runs through his own and Stansbury C. Mathews lands, by making the road straight.

May close
up the va-
cated road.

SECTION 2. The said Jacob W. Cannon shall receive no compensation or damage from the county for material or services in altering the courses of said road.

Passed at Dover, April 7, 1885.

CHAPTER 531.

OF ROADS AND BRIDGES.

AN ACT for the laying out of a New Road in Mispillion Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commis-
sioners.

SECTION 1. That Amos Cole, B. L. Lewis and Hezekiah Herrington, three judicious and impartial citizens, be and they are hereby appointed to go upon and view the premises and determine if there is need of a public road in Mispillion hundred, Kent county, and state aforesaid: beginning at a point on the new road, known as the Clymer and Wolcott

Location.

OF ROADS AND BRIDGES.

road, about fifty yards southeast of the bridge over Brown's branch and running a northeast course across lands of Walter Harrington until it intersects the line of the D. M. & V. R. Co.; thence parallel with said company's line in an easterly course across lands of J. Harry Denning and Andrew T. Whitnack to a point about fifty feet west of said Whitnack's house; thence crossing said railroad to its north line; thence running an east course across lands of William Morris to lands of William H. Dickerson; thence following the course of an old road-bed through said Dickerson's lands to a point on the public road leading from Wolcott's corner to Williams-ville; and if they, or a majority of them, shall determine that the public convenience requires the laying out and making a new public road on the route designated, they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such new road as they deem proper; and shall cause a plot thereof to be made representing the courses and distance thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury; and they shall make a computation of the cost of opening and making said road.

Surveyor.

Plot and
return.

Damages.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, that they may make appropriation for the opening and making of the same as a public road.

Plot and
return to be
laid before
Levy Court.

Appropriation.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Sworn.

Passed at Dover, April 8, 1885.

OF ROADS AND BRIDGES.

CHAPTER 532.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in White Clay Creek Hundred, New Castle County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners.

Location.

Surveyor.

Plot.

Damages.

Computa-
tion of costs.

Plot and
return to be
laid before
Levy Court.

SECTION 1. That Nathaniel Williams, David Eastburn, J. W. Cooch, Wm. D. Clark and Wm. McConaughy be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at or near the iron bridge at Tweed's Mill and to run thence till it intersects the public road leading from Newark to New London, at or near the cross-roads at McClellandville, and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skillful surveyor to be by them elected, lay out such new public road as they may deem proper, having respect to the nature of the ground and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road; and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the cost of opening and making said road; and if a road shall be laid out shall, in their return to be made to the Clerk of the Peace in and for New Castle County, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace in and for New Castle County, to be by him laid before the Levy Court of said county, and if the Levy Court shall approve the said road so laid out as afore-

OF ROADS AND BRIDGES.

said, they shall make such allowances as may be necessary to make and open such roads.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their judgment and skill; either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore named from any cause, another or other commissioners may be appointed by any Judge of the Superior Court in this State. The fees of commissioners, surveyor, and chain-carrier, shall be the same as are provided by law for similar services in the laying out of public roads, and shall be paid by the Levy Court of New Castle County.

Commissioners and surveyor sworn.

SECTION 4. The present road commissioners of White Clay Creek hundred, or their successors, shall have full power and authority to enclose that part of the old roadbed vacated when the new one is opened and ready for travel.

Vacated road may be inclosed.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1885.

CHAPTER 533.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Broadkilm Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That William B. Tomlinson, John K. Wiltbank and Robert R. Morris, three judicious and impartial freeholders of Sussex county, be and they are hereby appointed commissioners to go upon and view the premises and

Commissioners.

OF ROADS AND BRIDGES.

CHAPTER 532.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in White Clay Creek Hundred, New Castle County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners.

Location.

Surveyor.

Plot.

Damages.

Computa-
tion of costs.

Plot and
return to be
laid before
Levy Court.

SECTION 1. That Nathaniel Williams, David Eastburn, J. W. Cooch, Wm. D. Clark and Wm. McConaughy be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at or near the iron bridge at Tweed's Mill and to run thence till it intersects the public road leading from Newark to New London, at or near the cross-roads at McClellandville, and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skillful surveyor to be by them elected, lay out such new public road as they may deem proper, having respect to the nature of the ground and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road; and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the cost of opening and making said road; and if a road shall be laid out shall, in their return to be made to the Clerk of the Peace in and for New Castle County, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace in and for New Castle County, to be by him laid before the Levy Court of said county, and if the Levy Court shall approve the said road so laid out as afore-

OF ROADS AND BRIDGES.

said, they shall make such allowances as may be necessary to make and open such roads.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their judgment and skill; either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore named from any cause, another or other commissioners may be appointed by any Judge of the Superior Court in this State. The fees of commissioners, surveyor, and chain-carrier, shall be the same as are provided by law for similar services in the laying out of public roads, and shall be paid by the Levy Court of New Castle County.

Commissioners and surveyor sworn.

SECTION 4. The present road commissioners of White Clay Creek hundred, or their successors, shall have full power and authority to enclose that part of the old roadbed vacated when the new one is opened and ready for travel.

Vacated road may be inclosed.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1885.

CHAPTER 533.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Broadkill Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That William B. Tomlinson, John K. Wiltbank and Robert R. Morris, three judicious and impartial freeholders of Sussex county, be and they are hereby appointed commissioners to go upon and view the premises and

Commissioners.

OF ROADS AND BRIDGES.

Location.

determine whether there is need of a new public road in Broadkiln hundred, to begin at a point in a public road leading from Broadkiln Beach to the town of Milton, near a corner of lands of Philip Reed and Kensie Jones, and thence running eastward along or upon a line of said lands and lands of the heirs or representatives of David Hazzard and John J. Morris, deceased, to marshes of the heirs or representatives of Bevan Morris, deceased; then upon or across the same and marshes of the heirs or representatives of David Hazzard and John J. Morris aforesaid, deceased, James W. Jones, Noble Ellingsworth, deceased, and William A. Hazzard, in an easterly direction till it reaches a point on the aforesaid beach, at a point nearly opposite the point of cape at what is called the mouth of Broadkiln Creek. And if said commissioners, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a skilled surveyor by them nominated, proceed to lay out the same, and shall assess the damages, if any, of all the owners of the lands or marshes through which the same passes, taking into consideration all the circumstances of benefit as well as injury, and shall make computation of the costs of making and opening said new public road, and shall return the same, accompanied with a map of said new public road, to the Clerk of the Peace in and for the County of Sussex, to be by him laid before the Levy Court of said county at its next session, so that the said Levy Court shall make an appropriation for the making and opening of the same as and for a public road; and when the map and return shall have been so made and accepted by the said Levy Court, the said new public road, hereinbefore authorized to be laid out, shall be deemed and taken to be a public road, and the laws applicable to public roads in Sussex County are hereby extended to and shall apply to said road.

Surveyor.

Damages.

Computation of costs.

Plot and return laid before Levy Court.

New road adopted.

SECTION 2. That the said Levy Court shall establish the said new public road by paying such damages and costs as may have been assessed by said commissioners in the premises.

Gate may be erected across road.

SECTION 3. That the aforesaid William A. Hazzard and his heirs and assigns shall, forever, have the right and privilege, at any and all times, to erect and maintain, at their own expense, a gate in and across said new public road, for the preventing of their stock from straying away from their said marshes.

SECTION 4. That the said commissioners and surveyor,

OF ROADS AND BRIDGES.

before entering upon the duties assigned them, shall be duly sworn or affirmed to perform their several duties faithfully and impartially under this act, according to their best skill and judgment respectively; and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them; and, in case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any justice of the peace in Sussex county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for their services they shall receive the sum of two dollars each ^{Officers sworn.} for each day they may be engaged in their aforesaid duties, and the surveyor shall receive the sum of three dollars for each day he may be engaged in the premises; and for a map of said new public road, and writing a report thereof, he shall receive a just compensation, to be allowed by the aforesaid Levy Court. ^{Vacancies, how filled.} ^{Fees.}

SECTION 5. *And it is further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1885.

CHAPTER 534.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 407, Volume 15, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1, Chapter 407, Volume 15, be and the same is hereby amended by striking out the words "four thousand," where it occurs in line four of said section, and inserting in lieu thereof the words "six thousand." ^{Section 1, Chapter 407, Volume 15, amended.}

Passed at Dover, April 9, 1885.

OF ROADS AND BRIDGES.

CHAPTER 535.

OF ROADS AND BRIDGES.

AN ACT authorizing the construction of a Drawbridge over Broad Creek, at or near the town of Bethel, in Broad Creek Hundred, Sussex County, and for Opening a Public Road to and from said Bridge on both sides of said Creek.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court
authorized
to construct
drawbridge
over Broad
Creek.

Location.

Bridge a
public high-
way.

Duty of
masters of
steamboats
and other
vessels.

Penalty for
neglect.

Commis-
sioners to
locate site
for bridge.

Powers of
commission-
ers as to
public road.

Location.

SECTION 1. That the Levy Court of Sussex County be and it is hereby authorized and directed, if, in the judgment of said Levy Court they deem it for the best interest of the county to build said bridge, to construct and build, or cause to be constructed or built, a good and sufficient drawbridge over Broad Creek, the dividing line between Broad Creek hundred and Little Creek hundred, Sussex county, at or near the town of Bethel; the said Levy Court to pay for the erecting of the same; that the same shall be so constructed as to allow of the free passage of steamboats or other vessels using said creek up and down the same. The said bridge, when erected, shall be part of the public highway over the said creek, and, generally, every provision of law in relation to public bridges applicable to the bridge hereby authorized shall appertain to it; and it shall be the duty of the master of all steamboats, or other vessels, to have the draw taken off and put on when said steamboats or other vessels are passing through said bridge, and if any master of said steamboat or other vessel shall fail or neglect to have the draw of said bridge put on after passing through, he shall forfeit and pay to the Collector of Broad Creek hundred, for the use of keeping up repairs of said bridge, the sum of ten dollars for each and every such failure or neglect, the said fine to be collected as other fines are, before a justice of the peace.

SECTION 2. That George W. Horsey, James Truitt, E. M. Lowe, Philip C. Mathews and Jesse L. Long, freeholders of Sussex county, are hereby appointed commissioners to locate and fix a site for said bridge across said Broad Creek.

SECTION 3. That in case the site of said bridge be fixed at a point where there is no public road on either side, or where there is no public road on one side of the said creek, the said commissioners, or a majority of them, are hereby authorized to lay out such public road or roads, beginning at

OF ROADS AND BRIDGES.

the foot of the said bridge in Little Creek hundred and running in a southerly direction until it intersects the public road leading from Laurel to Postsville; or running in such course from the said southern foot of the said bridge as to reach the streets of the village of Postsville, and on the northern side of the said creek to begin at the foot of the said bridge and run in such a course as to intersect the public road in the town of Bethel; the course of said public road or roads, on either or both sides of the said creek, to be at the discretion of the said commissioners, or a majority of them.

SECTION 4. That before entering upon their duties, the said commissioners shall be sworn or affirmed by each other to perform their duties as such commissioners, faithfully and impartially. ^{Commissioners sworn.}

SECTION 5. That after said road or roads shall have been laid out, opened and made, and put in good order for public travel, it or they shall be deemed and taken as a public road or roads, and shall be maintained and supported as the other public roads of Sussex county. ^{Public road.}

SECTION 6. That the pay of the commissioners, surveyor and such other persons as may be employed in laying out said road or roads, shall be such as the Levy Court of said county shall deem proper, but no other part of the expense or any costs or charges of opening and constructing said road or roads shall be included or paid by the said county. ^{Compensation.}

Passed at Dover, April 9, 1885.

CHAPTER 536.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Alexander Green, Peter H. Smith and William Brown be and they are hereby appointed commissioners to go upon and view the premises and determine ^{Commissioners.}

OF ROADS AND BRIDGES.

whether there is need of a public road to begin at a point in the public road known as Cedar Lane Road, at or near a large black oak, a corner for lands of the heirs of William O. Kline and lands of John Jacobs, and running thence in a southerly direction on lands of the said John Jacobs, lands of the heirs of William O. Kline, lands of Dr. John M. Wilkinson, lands of John Caulk, and lands of James Anderson, until it strikes the public road leading from Woodside to Willow Grove, known as the Cowgill Road; and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skillful

Location. surveyor to be by them selected, lay out such new public road as they may deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, and of the land by and through which the same shall pass;

Surveyor. Plot and return. Damages. and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, and making the bridges and causeways thereon, setting down the several items of costs.

Computation of costs. And if a road shall be laid out they shall, in their return to be made to the Clerk of the Peace in and for Kent County, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return the plot as aforesaid.

Plot and return to be laid before Levy Court. SECTION 2. The plot and return so to be made, as aforesaid, by the said commissioners, shall be returned to the Clerk of the Peace in and for Kent County aforesaid, to be by him laid before the Levy Court of said county; and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court the same shall remain subject to the same regulations and laws as other public roads in said county.

Settlement of damages.

Oath, by whom administered. SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or

OF ROADS AND BRIDGES.

vacancies, another or others may be appointed commissioner or commissioners by any justice of the peace residing within said county. The fee of the commissioners shall be one dollar, and the fee of the surveyor two dollars, for each days' actual service, with a compensation to the surveyor for the plot.

Vacancies,
how filled.

Fees.

Passed at Dover, April 9, 1885.

CHAPTER 537.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Little Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John S. Hudson, William J. West and Cyrus Ward be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road, in Little Creek hundred, Sussex county, beginning at Wootten's Mill, on the public road leading from said mill to Laurel, through the lands of P. W. M. Cannon, W. C. Mathews, Alfred Adams; thence through the lands of Joseph M. Cannon and Harrison Cannon; thence through the lands of Ephraim W. Calhoun, D. H. Hudson, Thomas Carmean; thence through the land of Wingate Calloway until it intersects with a public road leading from Pepperbox school house to Ward's Cross Roads; and if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such public road as they may deem proper, and shall cause a plot thereof to be made representing the course and distance thereof, and of the land by and through which the same shall pass, and they shall assess the damage of any owner of said lands and improvements by reason of laying out said roads, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners. They shall make

Commis-
sioners to
view road.

Location.

May employ
surveyor.

Damages.

OF ROADS AND BRIDGES.

Computa-
tion of costs.

a computation of the cost of opening and making said road, the bridges and causeways thereon, setting down the several items of costs, and if a road shall be laid out shall, in the return to be made to the Clerk of the Peace in and for Sussex County, set forth the description of said road and their determination that there is need of the same for public convenience, and shall annex to said return the plot as aforesaid.

Plot and
return to
Clerk of the
Peace.

Duty of
Levy Court.

SECTION 2. The plot and return so to be made as aforesaid by said commissioners shall be returned to the Clerk of the Peace in and for Sussex county, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt said road or highway, and settle such damages as may have been assessed. And when said road shall have been adopted as a public road by said Levy Court, the same shall remain subject to the same regulations and laws as other public roads in said county.

Commis-
sioners and
surveyor
sworn.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively. Such oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any justice of the peace residing within said county. The fee of the commissioners and surveyor, and chain-carrier, shall be the same as is generally paid in such cases.

Fees.

Passed at Dover, April 10, 1885.

CHAPTER 538.

OF ROADS AND BRIDGES.

AN ACT to repeal, &c., Chapter 74 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 74,
Volume 16
repealed.

SECTION 1. That Chapter 74, Volume 16, Laws of Delaware, be and the same is hereby repealed.

OF ROADS AND BRIDGES.

SECTION 2. That the road from Moorton to Leipsic, Kent county, be the same width hereafter that it was established in 1796, and that no hedges now planted and growing along the said road shall be disturbed or removed until the owners want to replace them by a new one.

Passed at Dover, April 10, 1885.

CHAPTER 539.

OF ROADS AND BRIDGES.

AN ACT authorizing Morris Mosely to Straighten a Public Road in Milford Hundred, Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Morris Mosely be and he is hereby authorized to change a certain public road in Milford hundred in Kent county; as follows, to wit: commencing at a point in the road between the land of John W. Hall and Morris Mosely, and running in a straight line with the line dividing the land of the said John W. Hall and Morris Mosely until it intersects with the public road before mentioned.

Morris Mosely authorized to change public road. Location.

SECTION 2. That the said Morris Mosely shall lay out, change and make, at his own expense, the said road, and put the same in good order for public travel, making the said road the width required by law; and, after said road is made open, and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road, and shall be repaired and kept up at public expense as other roads in said county.

Made at his own expense

Repaired and maintained at public expense.

SECTION 3. That after the said road shall have been laid out, opened and made, and put in good order for public travel as aforesaid, it shall and may be lawful for the said Morris Mosely to stop up and enclose so much of the old road as is not used in making the change.

Old road may be inclosed.

Passed at Dover, April 10, 1885.

OF ROADS AND BRIDGES.

CHAPTER 540.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in Dagsborough and Gumborough Hundreds in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Commis-
sioners.

Location.

Oath.

Plot and
return.

Damages
awarded.

SECTION 1. That William A. Gum, William H. Gray, Robert I. Houston, be and they are hereby appointed commissioners to view the premises, and, if they shall deem it beneficial to the public, to locate and lay out a new public road in said hundreds of Dagsborough and Gumborough, in the County of Sussex, forty feet in width, commencing at a county road leading from Gumborough to Millsboro', known as "New County Road," and at a point therein abutting on or near to lands of Shadrach Short, and extending thence by such course as to the said commissioners shall seem most practicable and advantageous, through lands of the said Shadrach Short, Philip Short, Joseph B. Hearn, Houston and Hearn, Levin W. Collins, John L. Mumford, Manaen Gum, or any, all, or either of them, or through lands of any other persons, to the town of Frankford. Before entering upon their duties the said commissioners shall be severally sworn or affirmed by some person legally authorized to administer oaths. The said commissioners may take to their assistance a surveyor, if they shall deem it necessary.

SECTION 2. If the said commissioners, or a majority of them, shall determine that the public interest requires the location and laying out the public road authorized by Section 1 of this act, they shall cause a plot to be made of the said road so located by them, showing and defining accurately the courses and boundaries thereof, and shall also make a return in writing, showing the names of the several owners of the lands through which the said road, as located by them, will run, and also the damages, if any, awarded by them to the owners of the lands occupied by such roads. In estimating the damages, the said commissioners shall consider the advantages, as well as the disadvantages, to each owner whose land may be taken, and make an award accordingly.

OF ROADS AND BRIDGES.

SECTION 3. That the return and plot provided for in the preceding section, signed by the said commissioners, or any two of them, under their hands and seals, together with the costs incurred in locating the said road, [shall be returned] to the Levy Court at its then next session. The said court shall have power to approve or disapprove of the said new road; and if they shall approve the same, the said road shall be thereupon opened and thereafter maintained as one of public highways of the said County of Sussex. Plot and return laid before Levy Court.

SECTION 4. The commissioners shall receive for their services two dollars per day while actually employed, under the authority of this act; and the surveyor (if one be employed) and chain-carriers shall receive such compensation for their services as the said Levy Court shall deem just and proper. Before opening the said road, the said Levy Court shall make allowances to the said several land owners for the damages awarded to them respectively. Compensation.

Passed at Dover, April 13, 1885.

CHAPTER 54I.

OF ROADS AND BRIDGES.

AN ACT to Straighten a Public Road in Nanticoke Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Simon J. and William H. Hemping be and they are permitted to straighten a certain public road on their lands situated in Nanticoke Hundred, Sussex county. Road to be straightened in Nanticoke hundred.

SECTION 2. *Be it further enacted,* That when said S. J. and Wm. H. Hemping have straightened said road on their lands and put the said new road in good traveling condition for public travel at their own cost and expense, then the said S. J. and Wm. A. Hemping may use and occupy so much of the old road as will be vacated by the straightening of said road. Old road vacated. When used.

Passed at Dover, April 13, 1885.

OF ROADS AND BRIDGES.

CHAPTER 542.

OF ROADS AND BRIDGES.

AN ACT to authorize the changing of a Public Road in White Clay Creek Hundred, New Castle County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That J. Wilkins Cooch, William McConaughy, David Eastburn, Nathaniel Williams, and William D. Clark, and the same are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a change in the public road, to begin at a point in the creek road, near to Tweed's Mills, and to run thence in a southerly course through lands of Mansel Tweed and Edward R. Wilson until it again intersects the said creek road at or near the line of lands of the Cook estate; and if they, or a majority of them, shall determine that there is need of such a change in the road, they shall, with the assistance of some skillful surveyor, to be by them elected, lay out such road as they may deem proper, having respect to the nature of the ground, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said change in the road; and they shall assess the damages which may be sustained by any owner or owners of lands through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road; and, if a road shall be laid out, shall, in their return to be made to the Clerk of the Peace in and for New Castle County, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

Plot and
return to be
laid before
Levy Court.

SECTION 2. That the plot and return, so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for New Castle County, to be by him laid before the Levy Court of said county, and if the

OF ROADS AND BRIDGES.

Levy Court shall approve the said road so laid out as aforesaid, they shall make such allowances as may be necessary to make and open such road.

SECTION 3. That the said commissioners and surveyor, ^{Sworn.} before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their judgment and skill. Either of said commissioners may administer the oath or affirmation to the other commissioners, and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number ^{Vacancies, how filled.} of commissioners hereinbefore named from any cause, another or other commissioners may be appointed by any Judge of the Superior Court in this state. The fees of commissioners, ^{Fees.} surveyor, and chain-carrier, shall be the same as are provided by law for similar services in the laying out of public roads, and shall be paid by the Levy Court of New Castle County.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 14, 1885.

CHAPTER 543.

OF ROADS AND BRIDGES.

AN ACT to authorize and empower the Road Commissioners of Pencader Hundred to re-open and re-occupy a certain Road in said hundred, now vacated.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the road commissioners of Pencader hundred, New Castle county, or their successors in said office, shall, if in their judgment advisable, re-occupy and re-open to public travel that portion of the public road leading from the New Castle and Frenchtown Turnpike road, passing through the eastern portion of Pencader hundred to the Elkton and Christiana Turnpike road, that by and through commissioners appointed by an act of the General Assembly ^{Road commissioners may re-open certain road.} ^{Location.}

OF ROADS AND BRIDGES.

of the State of Delaware, passed at Dover, March 12, 1875, was vacated.

Authorized
to construct
bridges.

SECTION 2. That the aforesaid road commissioners shall have authority to construct such bridges over any stream or millrace on said vacated road as they, the said commissioners, may deem necessary.

Costs,
how borne.

SECTION 3. That the cost of re-opening said road, and maintaining the same, shall be borne by the hundred of Pencader, the same as the costs of other roads for public use in said hundred are provided for.

Certificate
of opening
of road
made to
Clerk of the
Peace.

SECTION 4. *Be it enacted by the authority aforesaid,* That nothing in this act shall be construed or taken as making it obligatory upon the aforesaid road commissioners, or the Levy Court of New Castle County, to maintain or keep up the breast of the milldam known as McCroner Mill, or the gates therein, over which said road passes.

Recorded.

SECTION 5. *And be it further enacted by the authority aforesaid,* That when the aforesaid commissioners shall re-open said road for public travel, they shall certify such fact to the Clerk of the Peace of New Castle County, who shall thereupon make such certificate a matter of record upon the road record of his office.

Passed at Dover, April 14, 1885.

CHAPTER 544.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in East Dover Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commis-
sioners ap-
pointed to
open and
lay out
public road.

SECTION 1. That John Bockman, And. J. Wilson, Henry Pratt, Samuel Creadick and Samuel J. Everett be and they are hereby appointed commissioners to open and lay out a public road in East Dover hundred, Kent county and State of Delaware, beginning at a point where the western line of

OF ROADS AND BRIDGES.

Queen street, of the town of Dover, would, if extended, intersect the Walker road leading from State street of said town to the Kenton road, and running thence south through the lands of J. R. Nicholson, the Agricultural Association of the State of Delaware, J. S. Moore, Mrs. P. S. Downs, and the Catholic Cemetery, to Clara street of said town; the western line of said proposed public road to coincide throughout with the western line of said Queen street extended. The aforesaid commissioners, or a majority of them, shall cause the same to be surveyed by a skillful surveyor, to be by them selected, and opened as aforesaid, and shall assess any damages which may accrue to the owner or owners of said lands through which the aforesaid public road may pass; *provided, however,* that before the commissioners provided for in this act shall condemn any land belonging to the Polycarp or Catholic Cemetery, which has been incorporated under the laws of this state, they shall be satisfied that as much ground as it is necessary to condemn for the purpose of this road has been secured to the said cemetery, without cost to the cemetery company, on the east side of said cemetery; *provided further,* that before the commissioners named in this act shall enter upon or condemn any land belonging to the Agricultural Association of the State of Delaware, there shall be secured to them, free of cost, a strip of land running the whole length of the Fair Ground on the north side, equal in area to the amount to be taken from the said Agricultural Association on the east end or side for said public road.

SECTION 2. That the aforesaid commissioners shall cause a map of the same to be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and if the said Levy Court approve the said road so laid out as aforesaid, they shall make such allowance as may be necessary to make and open said new road.

SECTION 3. That the commissioners and surveyor, before viewing the premises, shall be severally sworn or affirmed, faithfully and impartially to perform the duties incumbent upon them respectively. Either of said commissioners may administer the oath or affirmation to the other commissioners and surveyor, and a majority may do and determine any matter. In case of a vacancy or vacancies in the commissioners named in the first section, the resident Judge of Kent

Location.

Surveyor.

Damages.

Proviso.

Further
proviso.Plot and
return.Allowance
by Levy
Court.

Sworn.

Vacancies
of commis-
sioners,
how filled.

OF ROADS AND BRIDGES.

Fees.

County may appoint a commissioner or commissioners to fill such vacancy or vacancies. The fees of the commissioners, surveyor, and chain-carriers, shall be the same as is provided by law for similar cases in case of laying out public roads, and shall be paid for by the Levy Court of Kent County.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1885.

CHAPTER 545.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Lewes and Rehoboth and Indian River Hundreds in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
ascertain
whether
there is need
of new
public road.

Location.

May employ
surveyor.
Plot.
Computa-
tion of costs.

SECTION 1. That Robert Arnell, John Hood and Jas. W. P. Marsh, be appointed commissioners to go upon and view the premises and determine if there be any need for a public road in Lewes and Rehoboth and Indian River hundreds, in Sussex county, the said road to start at a point in public road in Lewes and Rehoboth hundred, at or near the dwelling house of John M. Fitcher, and running in a direct course through the lands of Henry F. Hepburn and lands of heirs of Benjamin Burton in said hundred, crossing Love's Creek at or near head of Rehoboth Bay, and continuing through the lands of John H. Lingo and others, terminating at a point in public road at or near the dwelling of John H. Lingo. If the commissioners, or a majority of them, shall determine that there is a necessity for the same, they may, with the assistance of a skillful surveyor, lay out such new public road, and may order a plot, and shall make a computation of the costs of opening said road and making the bridges and causeways thereon, setting down the several items; and if a road be laid out, shall, in their return, set forth a description of said road, and their determination that there is need of the

OF ROADS AND BRIDGES.

same for public convenience, and shall annex to their return the plot of said road.

SECTION 2. The plot and return so made shall be returned to the Clerk of the Peace in and for Sussex county, to be laid by him before the Levy Court, which road the said Court may adopt and settle; *provided*, that any damages or allowances made for any lands that may be taken or required in laying out and opening said road be approved by the Levy Court. Plot and return.

SECTION 3. The said commissioners and surveyor, before performing their duties under this act, shall be sworn or affirmed to perform the same with fidelity, which oath or affirmation the commissioners are hereby authorized to administer. The acts of a majority of the commissioners shall be valid. The pay of the commissioners shall be two dollars per day, and that of the surveyor as ordered by the Levy Court. This act shall be a public act. Commissioners and surveyor sworn.

Passed at Dover, April 16, 1885.

CHAPTER 546.

OF ROADS AND BRIDGES.

AN ACT for the Improvement of a certain Public Road in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That George W. Horsey, John R. Wilson and Joshua H. Marvel, be and they are hereby appointed commissioners to improve the public road in Sussex county leading from George W. Horsey's saw-mill to the corporate limits of the town of Laurel; and that the said commissioners shall, within thirty days from the passage of this act, meet to organize, by electing out of their number a president, a secretary and a treasurer and an assessor, who may or not be one of their number. The said commissioners and officers, Commissioners to improve public road.
Location.
Time of meeting.
Election of officers.

OF ROADS AND BRIDGES.

Oath. before entering upon their respective duties, shall be sworn, by some person having authority to administer oaths; to perform their duties with fidelity.

Assessment. SECTION 2. That the assessor elected by the said commissioners shall, upon his election, proceed to assess every person in Little Creek hundred using the said public road or deriving any advantage therefrom, the said assessment to be made on a basis of the advantage each and every person derives from the said road, or the use they make of the same; Basis of assessment. *provided* that the sum so assessed shall not exceed the sum of six hundred dollars in the aggregate, with ten per cent. to cover delinquents. Proviso.

Assessment list, where placed. SECTION 3. That so soon as the assessor shall have completed his assessment, he shall hang up a copy of the same in two of the most public places in the town of Laurel, with a notice thereon that the commissioners will sit as a court of appeals to hear any objections that may be had to the said assessment, giving the time and place at which they will sit. Notice of court of appeals. And that after the said commissioners shall have heard any objections that may be made against the said assessment, they shall correct and confirm the same, and place it in the hands of their treasurer or the collector of county and hundred taxes, who shall at once proceed to collect the same; and, if collected by the county collector, to be by him paid to the treasurer as fast as collected; and the said treasurer or collector shall have the same powers for the collection of the said assessment as the collectors of county taxes now have by law. Duty of treasurer or collector.

Levy Court may appropriate \$500. SECTION 4. That the Levy Court of Sussex County may, in their discretion, pay to the treasurer of the said commissioners, out of any moneys in the treasury of Sussex county, the sum of five hundred dollars.

Road to be shelled. SECTION 5. That the said commissioners shall, so soon as they shall have collected the moneys authorized by this act, proceed at once to shell the said public road between the said Horsey's saw-mill and the limits of the town of Laurel, the said shells to be placed on the road of such depth and width as the commissioners in their judgment may think proper; and they are hereby authorized to use and expend the moneys secured by them under this act for the purchase of shells and putting the same on the said road, and to pay Powers of commissioners.

OF ROADS AND BRIDGES.

any and all proper and legitimate expenses attached to the said work.

SECTION 6. That the said commissioners shall appoint a competent person overseer of the said work, who may be one of their number or not, as they may see fit; the said overseer to receive for his services the sum of one dollar per day for the time he is actually engaged in the said work.

Overseer.

Compensation.

SECTION 7. That the commissioners shall receive for services as such commissioners, the sum of one dollar per day for the time they are actually engaged in the said work. That the said treasurer shall receive for his services the sum of twenty-five dollars, and that the assessor shall receive the sum of twenty-five dollars for his services as such assessor, and eight per cent. on the amount collected shall be allowed to the person collecting the assessment.

Compensation of commissioners, treasurer and assessor

SECTION 8. That the said commissioners shall not exceed the sum of eleven hundred dollars, as provided by this act, for the shelling of the said public road and for the expenses attached to the same, and that they, the said commissioners, shall use all due discretion in the purchase of the shells and in having the work done.

Cost of shelling not to exceed \$1,100.

SECTION 9. That the right of way over the said shelled road shall be given to travel towards the town of Laurel; except that loaded teams shall have the right of way in all cases, but that loaded teams going towards the said town shall have the right of way over loaded teams going from the said town.

Right of way.

SECTION 10. That any and all persons violating any of the provisions of Section 9 of this act, and upon conviction thereof before any Justice of the Peace in Sussex County, shall be fined the sum of five dollars, with costs of suit, for each and every offense, the same to be collected as like fines and costs are now by law collected; the said fine to be paid to the commissioners hereinbefore named, and by them used toward the keeping in repair the said shelled road.

Penalty. Fine \$5.00.

How collected. Paid to commissioners.

SECTION 11. That it shall be the duty of the said commissioners, so soon as the said road or any part thereof is completed, to have printed and posted at each end of the said road a copy of Sections 9 and 10 of this act.

Passed at Dover, April 16, 1885.

OF ROADS AND BRIDGES.

CHAPTER 547.

OF ROADS AND BRIDGES.

AN ACT to enable and authorize Elisha J. Coffin and John C. Thompson to Straighten the Public Road through their lands in Indian River Hundred in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Authorized
to straighten
certain road.

SECTION 1. That Elisha J. Coffin and John C. Thompson be and they are hereby authorized, directed and empowered to straighten that part of the public road running through their own lands in Indian River hundred, in the county of Sussex, at their own proper cost and charge, and without expense to the county.

Vacated
road in-
closed.

SECTION 2. That when the said road shall have been straightened as authorized by Section 1 of this act, and when the same shall have been approved and accepted by the Levy Court of the said county, the part thereof vacated by such straightening may be enclosed, and the way substituted therefor shall be thereafter maintained as a part of the public highway at the public expense.

Passed at Dover, April 16, 1885.

CHAPTER 548.

OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a Public Road in Kenton Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners.

SECTION 1. That John W. Graham, Nathan T. Underwood and Elisha Wright, of Kent county, be and they are hereby appointed commissioners to go upon and view the

OF ROADS AND BRIDGES.

premises and determine whether there is need of a new public road in Kenton hundred and the county aforesaid, to commence a point known as "The Sycamore," in the public road leading from the town of Kenton to Blanco, and running from thence in a westerly course until it intersects the public road leading from Underwood's corner to Blanco, at or near the entrance to the farm of John Hutton. And if the said commissioners, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall, with the assistance of some skillful surveyor, to be by them employed, lay out such public road, the same to be of the width prescribed by law for public roads; and shall make a map of the said public road, showing the courses and distances, and shall assess the damages of the property through which the said road shall pass, and shall compute the cost of opening and making such road, and make a return of their proceedings, with the said map attached.

Location.

Surveyor.

Map of road

Damages.

Computation of cost.

SECTION 2. That the maps and returns so to be made shall be returned to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court at its next session after he receives the same, and the said Levy Court may establish the said road by paying the damages and costs as assessed and computed by the said commissioners, and when the said road shall have been so returned and established by the Levy Court of Kent County, the same shall be deemed and taken to be a public road, and subject to the same regulations as other public roads or highways in the said Kent county.

Maps and returns to Levy Court.

SECTION 3. That the said commissioners and surveyor, before entering upon their duties as such, shall be sworn or affirmed to perform the same faithfully and impartially to the best of their skill and judgment, and for such services the said commissioners shall receive the sum of one dollar each for each day they may be engaged in such service, and the surveyor, chain-carriers and other persons employed by the said commissioners shall receive proper compensation for their services, the same to be taxed by the said commissioners and paid by the Levy Court as aforesaid.

Fees.

Passed at Dover, April 16, 1885.

OF ROADS AND BRIDGES.

CHAPTER 549.

OF ROADS AND BRIDGES.

AN ACT to amend Section 1, Chapter 405 of Volume 15 of the Laws of Delaware, entitled "An act in relation to roads and bridges passing over milldams," passed at Dover, March 7, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 405,
Volume 15,
amended.

SECTION 1. That Section 1 of said act be and the same is hereby amended by inserting after the word "planking" and before the word "of," in the fourteenth line of said section, the words "and upper joists;" also, by inserting, in line twenty-three of said section, after the word "planking" the words "and upper joists." And that said section be further amended by striking out in lines 25, 26, 27 and 28 of said section, the paragraph: "The owner, and also the tenant of any lands for the improvement whereof a ditch is cut through a public road previously laid out, shall keep a good bridge over the same." *Provided* that the character of the said bridge, the width and opening thereof, and the size and character of the material used in constructing the same, shall be subject at all times to the supervision and direction of the Levy Court of the county within the limits whereof the same are located. *Provided further*, that nothing in this act contained shall impair, invalidate, or in anywise interfere with any suit or suits now pending under the act hereby amended, but such suit or suits may be prosecuted to trial and judgment with the same force and effect as if this act had not been enacted.

Published as
amended.

SECTION 2. That in any edition or compilation of the laws of the state hereafter published, the said act shall be printed and published as hereby amended in all respects.

Passed at Dover, April 17, 1885.

OF ROADS AND BRIDGES.

CHAPTER 550.

CHAPTER 405, VOLUME 15, PUBLISHED AS AMENDED.

AN ACT in relation to Roads and Bridges passing over Milldams.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Whenever any milldam, or the dam of any other works using water power, shall be used as a public highway in connection with or as part of a road which is maintained at public charge, the road over such dam shall be deemed to be a public road, and shall be kept up and maintained in like manner as other public roads in the county in which the same may be situated, so far only as may be necessary to keep the roadway in repair as a highway, but not in any manner to protect, preserve, or repair the dam, as to which the owner or tenant shall be charged with the duty of protecting, preserving and repairing the same. Any bridge crossing a race or opening in such dam over which any such public highway runs, shall be deemed a part of such public road, so far as the upper planking and upper joists of said bridge, used to afford a passage, is concerned, but no further. The owner, and also the tenant of any mill or other works, having a race through a public road, or a dam on which a public road, as aforesaid, lies, or a pond so raised as to make a bridge necessary, shall keep such dam in good repair, in such manner and to such extent as may be necessary to furnish a safe and commodious roadway at least twelve feet wide, and protected by a fence on each side at least three feet and a-half high, and shall make and keep any bridge in good repair, except only as to the upper planking and upper joists thereof, as aforesaid, and shall keep any water-wheel, exposed to view from the road, covered; *provided* that the character of the said bridge, the width and opening thereof, and the size and character of the material used in constructing the same, shall be subject at all times to the supervision and direction of the Levy Court of the county within the limits whereof the same are located. If any owner, as aforesaid, being also the occupant, or any tenant, as aforesaid, shall neglect any duty hereby enjoined, he pay to any person injured thereby double damages and costs

When roadways over milldams shall be maintained as public roads.

Restriction.

Owner or tenant to maintain such dams.

Bridges over races or dam openings, how maintained.

Duties of owner or tenant respecting such highways.

Levy Court to have supervision.

Penalty.

OF ROADS AND BRIDGES.

Misdemeanor, fine \$20. of suit, and he shall also be deemed guilty of a misdemeanor, and shall pay a fine of twenty dollars. It shall be the duty
 Duty of road overseers. of the overseer of said road, on information of such neglect, to repair such bridge or road, or cover such wheel, and he
 May recover double costs shall be entitled to recover from the owners or tenant so neglecting double the cost of such repairs, in his own name and for his own use. And it shall be no objection to his suit
 Tenant may deduct repairs from rent. that there are other owners or tenants not joined. A tenant may deduct from his rent the cost of such repairs done by him.

Amended
 Code 1874,
 331. Sec. 34,
 Chap. 60 of
 Rev. Code
 repealed.

SECTION 2. That Section 34 of Chapter 60 of the Revised Code is hereby repealed.

Passed at Dover, March 7, 1877.

Amended April 17, 1885.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 551.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT concerning Legal Holidays.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That whenever any legal holiday, other than Sunday, shall fall on a Sunday, the next day shall be observed as such legal holiday; *provided*, that this act shall not be construed to alter or change any law or custom concerning the payment of promissory notes, checks, or bills of exchange.

Passed at Dover, February 17, 1885.

CHAPTER 552.

OF WEIGHTS AND MEASURES.

AN ACT to determine the Standard Measure and Weight of Charcoal.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Standard Measure of Charcoal in this state shall be two thousand seven hundred and forty-eight cubic inches for each and every bushel thereof, and when sold by weight, a bushel shall be twenty pounds (commercially dry).

OF WEIGHTS AND MEASURERS.

SECTION 2. That this act shall take effect from its passage, and all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, March 17, 1885.

CHAPTER 553.

OF WEIGHTS AND MEASURES.

AN ACT to amend an act entitled "An act to Provide for the Regulation of Weights and Measures in New Castle County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sections 1,
2 and 3 of
Chapter 144,
current
volume,
amended.

SECTION 1. That the act entitled "An act to provide for the regulation of weights and measures in New Castle County," passed at Dover, April 5, 1883, be and the same is hereby amended as follows, to wit: Amend Section 1 of said act by striking out the word "and" in the ninth line of said section and inserting in lieu thereof the word "or." Amend Section 2 of said act by adding thereto the following, to wit: "The said Regulator may collect by suit, before any justice of the peace, all fees prescribed by this section from the proprietors or owners of such beams, scales, weights or measures, which he has adjusted." Amend Section 3 of said act by striking out the word "and" in the ninth line of said section and inserting in lieu thereof the word "or." Amend the said act by adding thereto the following section, to wit:

Authorized
to adminis-
ter oaths.

SECTION 6. "That the said Regulator of Weights and Measures is hereby authorized and empowered to administer an oath or affirmation to any or all proprietors or owners of of any beams, scales, weights or measures, named in this act, to ascertain whether they are used for the purpose of buying or selling, as is contemplated by this act."

Passed at Dover, April 9, 1885.

OF PILOTAGE, NAVIGATION, AND VESSELS.

CHAPTER 554.

OF PILOTAGE, NAVIGATION AND VESSELS.

A SUPPLEMENT to the act entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware," passed at Dover, February 15, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. The Board of Pilot Commissioners for the State of Delaware are hereby authorized and empowered to issue, at their discretion, at any time within two years after the passage of this act, a license as pilot to any person who now holds, or has heretofore held, a license as pilot under the laws of the State of Pennsylvania.

Supplement
to Chapter
145, current
volume.

Board of
pilot com-
missioners
authorized
to issue
license with-
in two years

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 8, 1885.

CHAPTER 555.

OF PILOTAGE, NAVIGATION AND VESSELS.

A SUPPLEMENT to the act entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That in all cases where, by the act entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware," passed at Dover, April 5, 1881, the Board of Pilot Commissioners are authorized to hear and decide differences arising between masters, owners and consignees, and others, and pilots, or between pilots themselves, the chairman of said board, or other member, is hereby authorized and empowered to administer oaths and affirmations to parties and witnesses.

Supplement
to Chapter
145, current
volume.

Board of
pilot com-
missioners
to settle
differences.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 14, 1885.

TITLE TENTH.

Of Corporations.

CHAPTER 556.

OF DITCHES.

AN ACT for the relief of Gum Branch Ditch Company in Sussex County.

Preamble. WHEREAS the managers of Gum Branch Ditch Company in Sussex County, who were elected on the second Saturday of March of the year 1884, as provided by the act incorporating said Gum Branch Ditch Company, passed at Dover, April 10, 1883, omitted to appoint a time for the payment of the taxes laid by them as by Section 6 of said act of incorporation required; and whereas by reason of said omission the treasurer of said ditch company is unable to collect said tax and to pay the orders drawn upon him for the work and labor performed upon said ditch; therefore

Treasurer
authorized
to collect
unpaid taxes
of 1884.

Payment of
orders.

Managers
authorized
to sign
orders for
work, &c.
done in 1884.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring),* That John Webb, who was elected treasurer of said Gum Branch Ditch Company, on the second Saturday of March, in the year 1884, be and he is hereby authorized and empowered, immediately, upon the passage of this act, to collect all taxes which remain unpaid for said year 1884, in accordance with said act of incorporation; and that he pay all orders drawn upon him by said managers for work and labor upon and materials furnished for said ditch during said year 1884, or the term for which he was elected, and that he pay the amount remaining in his hands, after paying said orders, to his successor, as is provided by said act of incorporation.

SECTION 2. *And be it further enacted,* That Joshua Webb and Thomas Banning, who were elected managers of said ditch company on the second Saturday of March, in the

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year 1884, be and they are hereby authorized and required to draw and sign orders for all work and labor performed upon and materials furnished for said ditch during the term for which the said managers were elected, according to the provisions of said act of incorporation.

SECTION 3. *And be it further enacted*, That this act shall be deemed and taken to be a public act and published as such.

Passed at Dover, March 13, 1885.

CHAPTER 557.

OF DITCHES.

AN ACT to re-enact an act entitled "An act to Incorporate the Beaver Dam Ditch Company in Baltimore Hundred, Sussex County, Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That an act entitled "An act to incorporate the Beaver Dam Ditch Company in Baltimore hundred, Sussex county, Delaware," passed at Dover, Del., A. D. 1865, be and the same is hereby re-enacted, and shall be in full effect for twenty years from the passage of this act. Charter re-enacted.

Passed at Dover, March 25, 1885.

OF DITCHES.

CHAPTER 558.

OF DITCHES.

AN ACT to incorporate the Pint Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Corporators

SECTION 1. That the owners of the marsh and low grounds lying upon and contiguous to Pint Branch, in Mispillion hundred in Kent county and the State of Delaware, shall compose a company, to be called the Pint Branch Ditch Company, for the purpose of effectually ditching and draining the said marsh and low grounds.

Commissioners.

Duties.

Location of ditch.

May lay out lateral ditches.

Surveyor, plot and return.

Where recorded.

Commissioners and surveyor sworn.

SECTION 2. That John Eisenbrey, Alexander Simpson and John Williams, be and they are hereby appointed commissioners, who shall go upon and view the said marsh and low grounds and lay out such ditch or ditches as they may deem necessary for the purpose of draining the same. The main ditch shall commence at a fence on lands of Mary A. Walton, and extend thence in a westerly direction with the old Pint Branch ditch through lands of B. F. Anderson, lands of Z. D. Merriken, lands of S. A. Tharp, lands of William H. Knox, lands of William Tharp and lands of Peter Callaway, until it reaches the main ditch of the Marsh Hope Improvement Company. The said commissioners shall have power to lay out any lateral ditch or ditches which they, or a majority of them, may deem necessary to complete the drainage of any low grounds adjacent or contiguous to the said Pint Branch Ditch. If they deem it necessary, they may take with them a surveyor. They shall make out a plot and return, showing the dimensions, courses and distances of the ditch or ditches, and by general delineations, without survey, the boundary lines of the low grounds and of each taxable's portion thereof, or of any land benefited, and the estimated number of acres. The said plot and return shall be lodged in the Recorder's Office in and for Kent County, and be by him recorded. The commissioners and surveyor, if any be chosen, shall, before entering upon the duties of their office, be sworn or affirmed to faithfully and impartially discharge the same. All the commissioners must act, but a majority

OF DITCHES.

may decide any matter. In case of a vacancy occurring in the commissioners by death, resignation or refusal to act or otherwise, the others or other may fill such vacancy or vacancies.

Vacancies,
how filled.

SECTION 3. That if any person shall be injured by the making of any such ditch or ditches, the commissioners shall award such person damages to the amount of such injury, and the same shall be paid or tendered before cutting the ditch or ditches. All persons who will be benefited by such ditch or ditches, shall be liable to contribute to the cost of making the same and to the damages awarded, and the expenses of the proceeding and the recording of the same, and also the costs of preparing and obtaining the passage of this act. The commissioners shall determine who will be benefited, and shall apportion the said costs, damages and expenses upon them according to such benefit.

Damages,
when paid.

Apportion-
ment of
expenses.

SECTION 4. That the commissioners shall, as soon after the passage of this act as convenient, make a return to the Recorder of Deeds in and for Kent County, and within ten days thereafter convene the persons liable to contribute to any ditch embraced therein for the purpose of electing two managers and a treasurer of the company for one year, or until others shall be chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighborhood five days at least before the meeting. The managers shall, annually thereafter, in the same manner, call a meeting for the same purpose on the third Saturday in April, at Farmington, in Kent county. At all meetings the taxables shall be entitled to cast one vote for every dollar of tax, or fractional part thereof, paid by them respectively. Every absent taxable may vote by proxy regularly constituted.

Commis-
sioners'
return to
Recorder
of Deeds.

Meeting to
elect mana-
gers and
treasurer.

Notice
posted.

Annual
meetings.

Qualifica-
tion of
voters.

SECTION 5. That the return made by the commissioners shall remain in force for five years thereafter as the basis of any subsequent assessment that may be made by the managers for completing, cleansing or repairing the ditch or ditches or other necessary purposes. After five years a new assessment may be had by application of three or more taxables to any judge of the state, or to the chancellor, who is hereby authorized to appoint three commissioners to make said new assessment. Said new assessment, when made, shall be returned and recorded as the original return, and shall stand

Return in
force for five
years.

New assess-
ment.

Return and
record.

OF DITCHES.

as the basis of assessment for five years, and until another assessment shall in like manner be made.

Managers
to cut the
ditches
laid out.

Accounts
and state
ments.

SECTION 6. That the managers shall proceed to make and open the ditch or ditches laid out by the commissioners, and may clean and repair the same when necessary, and shall have all needful power for that purpose. They shall keep regular accounts of all expenditures and render the same to the company at their annual meeting. All payments shall be made by orders drawn by them on the treasurer. Any person assessed for a tax, may discharge the same by work done by direction of the managers, and their certificate shall be received by the treasurer in payment of the tax.

Annual tax
levy.

SECTION 7. That the managers of said company, for the time being, are hereby authorized to levy an annual tax to the amount determined by the annual meeting upon the lands to be benefited, in proportion to the assessment of said lands by the commissioners, to be expended upon the ditch or ditches of said company.

Treasurer to
collect taxes

Treasurer's
bond.

Settlement.

SECTION 8. That the treasurer shall collect all sums apportioned and assessed as aforesaid, and shall have the same power for making such collections as a collector of county rates. He shall give bond to the company, with surety to be approved by the managers, in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty, and for the payment to his successor of any money due from him. He shall settle with the company at the annual meeting, and shall be entitled to retain five per cent. of the amount received by him as his compensation.

Compensa-
tion for
services.

SECTION 9. That each commissioner and manager shall be allowed, and shall be paid by the company, one dollar for every day actually spent in the discharge of his duties. The recorder shall be paid one cent for every ten words he may record, and two dollars for copying the plot. The surveyor, if any be employed, shall receive two dollars for each day's service on the premises, and ten dollars for making the plot and return.

Allowance
to owners
of private
ditches.

SECTION 10. That each owner of said marsh and low grounds, who has cut a ditch or ditches through any part of the same for the purpose of the drainage thereof, and which shall form a part of the main ditch contemplated by this act,

OF DITCHES.

shall be allowed a credit on his share of the cost of making said main ditch, to be estimated by the commissioners appointed by this act.

SECTION 11. That the said company is hereby created and declared to be a body politic and corporate, under the name of "The Pint Branch Ditch Company," and under and by that name shall be able to sue and be sued, plead and be impleaded, in any court of law or equity in this state, and shall possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations. Corporate powers.

SECTION 12. That if any person shall stop up or obstruct any ditch cut under this act, he shall forfeit and pay to the managers, who may recover the same in the name of the company and for its benefit as debts of like amount are recoverable, a sum not less than two nor more than twenty dollars. Penalty for obstructing ditches.

SECTION 13. That the power to revoke this act is hereby reserved to the Legislature.

SECTION 14. That all acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 15. That as compensation for the privilege of emptying the waters of the ditch or ditches proposed to be cut and opened under this act into the main ditch of The Marshy Hope Improvement Company, it shall be the duty of the said The Pint Branch Ditch Company, incorporated by this act, to pay to the treasurer of the said The Marshy Hope Improvement Company, annually, a certain sum of money, to be fixed and determined by three disinterested persons not being taxables in either company, one of whom shall be chosen by the said The Marshy Hope Improvement Company at the first annual meeting thereof which shall be held after the main ditch contemplated by this act shall be opened into the main ditch of the said The Marshy Hope Improvement Company, another of whom shall be chosen by the said The Pint Branch Ditch Company at the first meeting thereof after the main ditch contemplated by this act shall be opened into the main ditch of the said The Marshy Hope Improvement Company, and the two persons thus chosen shall choose the third disinterested person not a taxable in either company. And at every annual Compensation to Marshy Hope Improvement Company.

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meeting thereafter of the said The Marshy Hope Improvement Company and the said The Pint Branch Ditch Company, it shall be the duty of each of said companies to choose a disinterested person, not a taxable in either company, who, with a third disinterested person, not a taxable in either company, to be chosen by themselves, shall, annually, fix and determine the sum of money which shall annually be paid by the said The Pint Branch Ditch Company to the treasurer of the said The Marshy Hope Improvement Company, and which annual payment shall be made during the month of August, in each and every year. In case either of said companies shall fail at any annual meeting to select such disinterested person, or in case the persons selected shall fail or neglect to choose the third disinterested person, or in case any such person so selected shall die or remove from this state, or shall fail from any cause whatsoever to perform the duties prescribed by this section, it shall be lawful for any justice of the peace residing in Mispillion hundred, in Kent county, upon the application to him by the managers of the said The Marshy Hope Improvement Company to appoint other disinterested person or persons not taxable in either company, who, with a third disinterested person, not a taxable in either company, to be by them chosen, shall fix and determine the sum of money so to be paid by the said The Pint Branch Ditch Company to the treasurer of the said The Marshy Hope Improvement Company. If there shall be any disagreement between the three disinterested persons so to be chosen, the determination of any two of them shall be as valid as the determination of the whole. In case the said The Pint Branch Ditch Company shall fail to pay annually, in the month of August, to the treasurer of the said The Marshy Hope Improvement Company the sum of money to be fixed and determined as provided by this section, it shall be lawful for the said The Marshy Hope Improvement Company to sue for and recover the same, as debts of a like amount are recoverable by the laws of this state, from the said The Pint Branch Ditch Company; and also it shall be lawful for the managers of the said The Marshy Hope Improvement Company to stop and prevent the flow of the waters of the said The Pint Branch Ditch Company into the main ditch of the said The Marshy Hope Improvement Company, and for so doing they, the said managers, their servants, agents and employees, shall not be liable or subject to any of the penalties prescribed by Section 12 of this act for stopping up or obstructing any of the ditches of the said The

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Pint Branch Ditch Company, and they shall also have power to enter upon any of the adjoining lands for the purpose of stopping and preventing the flow of the waters of the said The Pint Branch Ditch Company into the main ditch of the said The Marshy Hope Improvement Company, without being liable to any penalties or damages or suits therefor. The disinterested persons, to be selected as provided in this section, shall receive for their compensation each one dollar per day for the services performed by them, which shall be paid equally by the said The Pint Branch Ditch Company and the said The Marshy Hope Improvement Company. When a justice of the peace shall be applied to, to select the persons as provided in this section, he shall be entitled to receive for his services a fee of one dollar, which shall be paid by the said The Marshy Hope Improvement Company.

Passed at Dover, April 6, 1885.

CHAPTER 559.

OF DITCHES.

AN ACT to renew and re-enact the act of incorporation of "The Tappahannah Marsh Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That the act entitled "An act for the relief of the Tappahannah Marsh Company," passed at Dover, January 9, 1833, and all other acts under which the said company is organized and acting, so far as they are now in force, are hereby re-enacted; and the said "The Tappahannah Marsh Company" is hereby declared to be continued as a corporation, with all the rights, powers and franchises now belonging thereto and conferred thereon by any law of this state, and shall continue as such corporation for the period of twenty years from the passage of this act.

Corporation continued.

SECTION 2. That the proceedings of the annual meeting of the said company held on the 14th day of April, A. D.

Certain acts declared lawful.

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1885, as well all other acts heretofore performed by said company, are hereby declared legal and valid.

Passed at Dover, April 16, 1885.

CHAPTER 560.

OF RAILROADS.

A SUPPLEMENT to the act entitled "An act to authorize the Philadelphia, Wilmington and Baltimore Railroad Company to widen and improve its lines of Railroad within this State," passed at Dover, February 27, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows :

Authorized
to construct
branch
railroad.

Location.

May
construct
additional
branch road.

Right to
purchase
or appro-
priate land
for this
purpose.

SECTION 1. That in addition to the powers conferred by Section 3 of the act to which this is a supplement, it shall and may be lawful for "The Philadelphia, Wilmington and Baltimore Railroad Company" to construct, maintain and operate a branch railroad, of one or more tracks, commencing at some point on its main line near the Delaware Junction, and thence to a point on said main line near the crossing of Shellpot creek, and in its location and construction to cross the Christiana river west of the present bridge of the Delaware Western Railroad Company, and also to cross the said last mentioned river between its mouth and the mouth of Brandywine creek, and at a point at least three hundred yards distant from the mouth of the said river, with power also to locate and construct another branch railroad, of one or more tracks, from a point on the line of its Delaware Division, near State Road Station, to a suitable point on the branch first herein mentioned and authorized. And for the purpose of locating and constructing the branches hereby authorized, the said company shall have power to purchase, hold, and use, or enter upon, take and appropriate such land and materials as may be necessary; *provided, however*, that before the said company shall enter upon or take possession of any such land or materials it shall make ample

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compensation to the owner or owners thereof, or parties interested therein; such compensation to be ascertained by agreement, or in the mode provided by Section 2 of the act to which this is a supplement, as the same is by this act modified and amended.

Owners to be compensated.

SECTION 2. That in the construction of its road, authorized by this act, across the said Christiana river at the point between its mouth and the mouth of the Brandywine creek, the said company shall be required to erect and maintain a draw or pivot bridge at the crossing of the said stream which shall afford a passage for vessels of not less than one hundred feet in width, and shall also provide at all times, at its own cost and expense, proper attendance upon said bridge, as is customary in such cases; and the said bridge shall be so constructed as to impede as little as possible the free navigation of said river, and shall also maintain a suitable draw or pivot bridge at the crossing of said river west of the Delaware Western bridge.

Draw or pivot bridge on the Christiana river.

Free navigation of the river.

SECTION 3. That in the location of the branch secondly authorized in Section 1 of this act, the said company may occupy any public street of the City of New Castle, *provided* the City Council thereof shall first give its assent to such occupation.

Occupation of public street. Proviso.

SECTION 4. That Section 2 of the act to which this is a supplement be and the same is hereby so amended and modified as to make it the duty of the court or judge appointing freeholders to assess damages to land owners to appoint a second set of freeholders in every case, upon the petition of either the land owner or the said company, if such application be made within five days after the freeholders first appointed shall have made their return, and the return made by such second set of freeholders shall, when confirmed, be final.

Section 2 amended.

Second set of freeholders may be appointed, when.

Return final.

SECTION 5. That both the branches authorized to be constructed by Section 1 of this act shall be located, constructed, fully completed and put in operation within three years from and after the passage of this act, or all the powers, privileges and franchises by this act conferred and granted shall cease and determine and become null and void; *provided, however*, that if the said company shall be hindered and delayed in the work of location and construction by litigation in any form, or by the appointment of a second set of

Branch roads to be completed within three years.

Proviso.

OF RAILROADS.

freeholders, in any case, to assess damages to land owners, the time consumed in such delays shall not be computed as within the period aforesaid, but equivalent additional time shall be allowed to the said company for the completion of the said work.

Existing
rights pre-
served.

SECTION 6. That nothing in this act contained shall be so construed as to affect, alter, impair, or restrict the exercise by the said company of any of the rights, powers, franchises, or privileges it is now possessed of under any act of the General Assembly of this State.

SECTION 7. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 4, 1885.

CHAPTER 561.

OF RAILROADS.

A SUPPLEMENT to the act entitled "An act to authorize the Wilmington and Northern Railroad Company to widen and improve its lines of Railroad within this State," passed at Dover, April 5, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:

Lawful to
occupy
public
streets in
New Castle.

Condition.

SECTION 1. That it shall and may be lawful for "The Wilmington and Northern Railroad Company," in the location of any branch or branches authorized by Section 3 of the act to which this is a supplement, to occupy any public street of the City of New Castle; *provided* the City Council thereof shall first give its assent to such occupation.

SECTION 2. That nothing in this act contained shall be so construed as to affect, alter, impair or restrict the exercise by the said company of any of the rights, powers, franchises or privileges it is now possessed of under any act of the General Assembly of this State.

Passed at Dover, March 11, 1885.

OF RAILROADS.

CHAPTER 562.

OF RAILROADS.

AN ACT to incorporate the Christiana Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):* That William F. Smalley, Abraham Cannon, William L. Wier, Benjamin Peters, Jr., James Wright, John F. I. W. Peters, James H. Smalley, John T. Platt, David Appleby, Samuel Butler, William B. Currinden and John W. Whiteman, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They, or a majority of them, shall procure and cause to be opened, at such times and places and on such notice as they may deem proper, suitable books for subscription to the stock of The Christiana Railroad Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the names of any other person or company who may authorize the same, for any number of shares of said stock. The capital stock of said company shall not exceed fifty thousand dollars, divided into five thousand shares of ten dollars each.

Commissioners.

Duties.

SECTION 2. *And be it further enacted as aforesaid,* That when and as soon as four hundred shares of capital stock in said company shall be subscribed as aforesaid, the subscribers, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of The Christiana Railroad Company, and by the same name the subscribers shall have perpetual succession and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the constitution and laws of the United States or of this State, and generally to do all and

Organization.

Corporation perpetual Powers.

OF RAILROADS.

Proviso. singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same; *provided* that nothing herein contained shall confer any banking privileges on said company, or any other liberties, franchises or privileges but those which are properly incident to such a corporation.

Notice of meeting. SECTION 3. *And be it further enacted as aforesaid,* That as soon as four hundred shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers at Christiana, to organize the said company by the choice and appointment of officers as hereinafter mentioned.

Annual meetings. SECTION 4. *And be it further enacted as aforesaid,* That there shall be an annual meeting of stockholders on the second Monday in January, in every year, at Christiana, for the purpose of election of directors and for the transacting of other business. In all meetings of the stockholders regularly convened those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot; and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such place as the president and directors may deem expedient.

Elections by ballot.

Occasional meetings.

Election of directors. SECTION 5. *And be it further enacted as aforesaid,* That at the first meeting of the stockholders, to be held under the call of the said commissioners, and every annual meeting of the stockholders to be held thereafter as aforesaid, they shall elect seven directors, a majority of whom shall be citizens of this state, and all of them stockholders in the said company. The first election of directors shall be conducted by two of the said commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board, to be appointed by the directors for the time being as judges for that purpose.

President. The directors, immediately after their election, shall proceed to choose one of their number to be president of their company and of the said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until their successor shall be duly chosen. The directors shall also appoint, immediately after their election,

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a secretary and treasurer of the said company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed for sufficient cause by the directors. They shall require of the treasurer, on his appointment, a bond, with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transacting of business, and in the absence of the president may appoint a chairman of the board *pro tempore*. Vacancies in board of directors, and in the office of president, secretary and treasurer, may be filled by the remaining directors, to continue as aforesaid.

Secretary
and trea-
surer.

Treasurer's
bond.

Vacancies,
how filled.

SECTION 6. *And be it further enacted as aforesaid,* That the said president and directors shall hold their meetings at Christiana, and in such other places as they may deem expedient on the line of said road; and the said directors shall have the general direction, conduct and management of the property, business and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen, and laborers as they shall deem necessary, and to fix salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and take bond from them, or any of them, with security, for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase, or employ such engines, cars, and other equipments and supplies for the road, and for that purpose to enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all the acts that may be necessary to effect the purposes for which the said company is hereby incorporated, and to this end raise the capital stock and funds of the said company, and to bind, by their contracts under the seal of their corporation and the hand of the president, all the property and estate of the said company. They shall also have the power to make and prescribe the by-laws and regulations for the government of the company, to provide certificates of stock under the seal of the company and the signature of the president, and countersigned by the secretary, for all the shares subscribed, and to prescribe the mode of assign-

Meetings of
board of
directors.

Powers and
duties of
board.

OF RAILROADS.

ing and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

Certificates
of stock.

SECTION 7. *And be it further enacted as aforesaid,* That it shall be the duty of the president and directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable, at the will of the holder, in the method prescribed in the by-laws of the company; and the assignee of any such certificate so transferred shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures and penalties due or to become due thereon as the original subscriber would have been.

Transfer
of stock.

Payments
on stock.

SECTION 8. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the treasurer of the said company the installment on each share by them subscribed as the same shall be respectively called in pursuant to the public notice and call of the directors; and if any subscriber shall omit for thirty days after any such call to pay any such installment at the time and place appointed in said notice, he shall pay, in addition to the installment, at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the company at the option of the directors. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this state; *provided* that no stockholder shall be entitled to vote at any election, or in any meeting of the said company, on whose share any installment shall have been due and payable more than thirty days previous to such election or meeting and are still unpaid at that time.

Declare
dividends.

SECTION 9. *And be it further enacted as aforesaid,* That the said president and directors shall from time to time make and declare dividends of the net profits of the business of the company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them; and at each annual meeting of the stockholders it shall be the duty of the president and directors of the preceding year to

Make report submit a report, and to exhibit to them a full and correct

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statement of the proceedings and affairs of the company for that year.

SECTION 10. *And be it further enacted as aforesaid,* That the said company be and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, from any point in or near the village of Christiana to any point on the Philadelphia, Wilmington and Baltimore Railroad near Stanton Station on said railroad, to connect or unite with the Philadelphia, Wilmington and Baltimore Railroad with the assent of the Philadelphia, Wilmington and Baltimore Railroad Company, or to any point on the new Philadelphia and Baltimore Railroad at or near the new bridge of said railroad across White Clay Creek, to connect with or unite with the Philadelphia and Baltimore Railroad with the assent of the Philadelphia and Baltimore Railroad Company, or the Baltimore and Ohio Railroad Company, on such terms and conditions as shall be agreed upon between the companies aforesaid, to be reduced to writing and authenticated under the seals of the said companies; *provided, however,* that if the railroad authorized to be constructed by this act shall cross the line of the Philadelphia, Wilmington and Baltimore Railroad, such crossing shall not be at grade, but shall be either by an overhead or under grade-crossing, and such crossing shall be so effected as not to disturb the road-bed of the said last-mentioned company.

Location of road.

May unite with other roads.

Proviso.

SECTION 11. *And be it further enacted as aforesaid,* That whenever any land, earth, sand, gravel or other materials necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may apply to the Superior Court of New Castle County or to any judge thereof in vacation, first giving the other party at least five days notice, in writing, of the intended application, if within the state; and the said court, or judge, shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through it in taking and using the same. The freeholders shall be sworn or affirmed, before some judge or justice of the peace, before entering upon the premises, faithfully and impartially to perform the duty assigned them; and they shall give ten days written notice to the owner or owners of the premises, if within the state, and the same to the presi-

Condemnation of land, &c.

OF RAILROADS.

dent of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises; and they shall make report, in writing, under their hands, or the hands of a majority of them, to both parties; but if either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court in New Castle County within thirty days after such assessment, sue out a writ of *ad quod damnum* requiring the sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final; whereupon, the damages so assessed being paid by the company to the party entitled, or in court for his or her use, whether they be under any disability or in or out of the state, the title to the land or premises described and condemned in said report for the purpose aforesaid shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders and the prothonotary in all such proceedings shall be fixed by the court, and in all cases shall be paid by the company.

Maintain
good cross-
ings.

SECTION 12. *And be it further enacted as aforesaid,* That it shall be the duty of the said company to construct and keep in repair good and sufficient passages across such railroad where any public road shall cross the same, so that carriages, horses, persons, and cattle, shall not be obstructed in crossing said railroad. It shall likewise be the duty of the said company, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad for the use of the said farm.

Penalty for
obstructing
road.

SECTION 13. *And be it further enacted as aforesaid,* That if any person or persons shall willfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the works and property of the said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and, on indictment and conviction, shall be fined not exceeding one thousand dollars, at the discretion of the court.

Failure to
elect officers
not to dis-
solve cor-
poration.

SECTION 14. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterward, on giving

OF CITIES AND TOWNS.

ten days notice thereof in two newspapers published in this state, of the time and place of holding such election. And it shall be lawful for the Governor of the state for the time being to supply any vacancies which may occur among the commissioners appointed by this act.

SECTION 15. *And be it further enacted as aforesaid,* That the said company shall pay semi-annually into the treasury of the state a tax at the rate of one-half of one per cent. per annum on the capital stock of the company actually paid in, whenever the business of the company shall, over and above its liabilities or expenses, yield to the stockholders a profit or dividend on such stock equal to the rate of six per cent. per annum. State tax,
how levied.

SECTION 16. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this state, and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature. Public act.

Passed at Dover, April 9, 1885.

CHAPTER 563.

OF CITIES AND TOWNS.

AN ACT to supplement and amend an act entitled "An act to incorporate the Town of Lewes, and for other purposes."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the Commissioners of the Town of Lewes may assess any person or persons occupying, inclosing, or claiming the use or privilege of any of the public lands within the limits of or vested in the town of Lewes and not held under a lease from the commissioners at a certain rent, a tax not exceeding six per cent. of the assessed Supplement
and amend-
ment to
Chapter 536,
Volume 14.
Assessment
of public
lands in
town limits.

OF CITIES AND TOWNS.

Rate. actual value of the land so inclosed, occupied, or claimed, and two per cent. of the actual value of the improvements thereon. A tax upon persons holding such public land under a lease from the said commissioners at a certain rent may be assessed at the same rate on the present value thereof and the improvements thereon, after deducting the value of the ground at the period of the reservation of the rent, which value shall be estimated at one hundred dollars for every six dollars reserved, and so for a greater or less sum of rent.

Rentals assessed. Such parts of Section nine of the act entitled "An act to incorporate the town of Lewes, and for other purposes," as amended by Chapter 535 of Volume 14 of the Laws of Delaware, and as republished in Chapter 536 of the same volume, as provided for a ground rent on persons having erected buildings on the public lands and a tax on persons having inclosed or claiming the use or privilege of any of the said public lands, inconsistent with this act, are hereby repealed;

Mode. *provided* that nothing herein contained shall be construed to authorize any person or persons to build upon or inclose any of the said public lands without the permission and consent of the commissioners of the said town, nor to authorize the said commissioners to assess a tax upon persons excluded from the provisions of the said Section nine of the act hereby supplemented and amended in the sixty-ninth, seventieth, seventy-first, seventy-fourth and seventy-fifth lines of said section.

Parts of Section 9 repealed.

Proviso. Public lands inclosed only by consent of commissioners. Exempt from taxation.

Section 7 amended.

SECTION 2. That Section 7 of the act entitled "An act to incorporate the town of Lewes, and for other purposes," as amended and as republished in Chapter 536 of Volume 14 of the Laws of Delaware, be and is hereby amended by striking out the words "then acting during the term for which they were elected," in the sixty-fourth and sixty-fifth lines of said section, and by inserting in lieu thereof the words "until after the next annual election of commissioners."

Section 12 amended.

SECTION 3. That Section 12 of the said act, as amended and as republished as aforesaid, be and is hereby amended by striking out the words "during the month of February" in the second and third lines of said section and by inserting in lieu thereof the words "within one month after the annual election of commissioners," and by inserting between the word "occupying" and the word "public," in the thirty-sixth line of said section, the words "or inclosing," and by inserting between the word "erected" and the word "the,"

OF CITIES AND TOWNS.

in the thirty-seventh line of said section, the words "at the actual value of the said land and buildings."

SECTION 4. That Section 14 of the said act, as amended and as republished as aforesaid, be and the same is hereby amended by inserting between the word "dollars" and the word "the," in the twelfth line of said section, the words "They shall also furnish the treasurer, on the same list but in separate columns, the tax levied on owners or keepers of dogs, the amount of public land occupied or enclosed, actual value of the same, and the tax levied." Section 14
amended.

SECTION 5. That this act shall be deemed and taken to be a public act and published as such.

Passed at Dover, February 19, 1885.

CHAPTER 564.

OF CITIES AND TOWNS.

AN ACT to allow the Commissioners of the Town of Smyrna to issue Bonds for certain purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows, to wit:

SECTION 1. That the Commissioners of the Town of Smyrna be and they are hereby vested with full power and authority to provide for said town an ample supply of pure water for domestic use and for the suppression of fires, and for this purpose to lay pipes for the proper conveyance and distribution of said water on any land or lands of any person or persons whomsoever through whose lands the said commissioners of the town of Smyrna may deem it expedient to convey said water; and to erect, make and establish all receivers, reservoirs, edifices, and other works that may, by the said commissioners of the town of Smyrna be deemed necessary for the collection, conveyance and distribution of said water, and also to contract and agree with the owner or Commissioners full power to provide for water supply for fires, &c.
Lay pipes, establish reservoirs.

OF CITIES AND TOWNS.

May purchase land necessary.

On refusal of owners to negotiate, powers of commissioners.

Damages.

Certificate to owners.

Non-resident.

Tenant.

Notice on premises.

Appeal.

Proceedings under appeal.

Application to associate judge for commission. Object.

Freeholders

Duties.

owners for the purchase of any land or lands which may be necessary for the purpose of carrying into effect the objects of this act. If the owner or owners of said land, or any of them, refuse to permit the said "Commissioners of the Town of Smyrna," to enter upon and occupy said land or lands for the purpose aforesaid, and if such owner or owners be unable or unwilling to contract and agree with the said commissioners upon the compensation to be made for any real or supposed injury that may be done to said lands by such entry and occupation, then the said commissioners of the town of Smyrna shall have power and authority to go upon the said land or lands, and they, or a majority of them, after viewing the same shall assess the damages of such owner or owners fairly and impartially under all the circumstances, and certify their finding and award in writing to the said owner or owners of said land or lands, and if such owner or owners be not resident within the said town to certify their finding and award to the holder or tenant of said real estate, but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises, which shall be as effectual as personal service of the same. If any owner be dissatisfied with the amount of the compensation or damages allowed by the said commissioners of the town of Smyrna as aforesaid, he or she may, within ten days after such notice as aforesaid appeal from the said assessment of compensation or damages by serving written notice to that effect on the president or other presiding officer of the said commissioners of the town of Smyrna. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeal and upon ten days notice to the said president or other presiding officer of the said commissioners of the town of Smyrna, make written application to the Associate Judge of the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said associate judge shall issue a commission under his hand, directed to five freeholders of the said county, three of whom shall be residents of the said town of Smyrna, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner or owners of the said land or lands intended to be taken, occupied, or used for the purposes of this act as aforesaid (and who shall have notified said commissioners of their intention to appeal) may sustain or incur by reason of such use or occupancy and to make return

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of their proceedings to the said associate judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages as aforesaid and shall make return in writing of their proceedings in the premises to the said associate, who shall deliver said return to the said commissioners of the town of Smyrna, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the said commissioners of the town of Smyrna may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the said town during the said period of one month, then the same may be deposited to his or her credit in the Fruit Growers' National Bank of Smyrna within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased the costs of the appeal shall be paid by the treasurer of the said town out of any money in his hands belonging to the town, but if said damages shall not be increased the cost of the appeal shall be paid by the appellant. The fees to the freeholders shall be two dollars per day each day, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the said commissioners of the town of Smyrna shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements, or upon the payment of costs only may abandon their intention of taking and occupying said land or lands for the purpose aforesaid.

Return of
freeholders.
Sworn.Assessment
of damages.Return.
Final.Vacancies,
how filled.Tender of
damages.Deposited
in bank,
when.Costs
of appeal,
how borne.Fees to
freeholders.
How taxed.Option to
pay dama-
ges.Hose and
hose car-
riages.Main and
pipes in
streets.

SECTION 2. That the said commissioners of the town of Smyrna be and they are hereby authorized and empowered to do all things necessary for the location, construction and operation of water works for furnishing the said town with an ample supply of pure water as aforesaid, and to purchase hose and hose carriage or carriages, and such other instruments and machines for use in suppression of fires as to them may seem expedient, and to provide for the care, maintenance and use of the same. And the said commissioners of the town of Smyrna shall have full power and authority to lay mains and branch pipes for the conveyance and distribution

OF CITIES AND TOWNS.

of water, and to make and establish receivers, reservoirs and fire-hydrants, in such parts of the streets of the said town as the said commissioners of the town of Smyrna shall, from time to time, deem expedient; and shall grant to all persons whomsoever the privilege of using the water conveyed and distributed by them in said town, in such manner and on such terms and conditions as to them may seem just and proper, and shall pass such ordinances touching the said water, its distribution through the said town, and all the streets thereof, the regulation of its use in case of fire, and its general management and control, as to them the said commissioners shall at any time seem most expedient.

Water
privileges.

Ordinances
relating
thereto.

Power to
issue bonds.

Not exceed-
ing \$20,000.
Denomina-
tion.

Dates and
numbers.

Rate of
interest,
when paya-
ble.

Coupons.

Bonds,
when and
where paya-
ble.

Proviso.
Redemp-
tion, when
effected.

Notice,
when and
where pub-
lished.

SECTION 3. That the commissioners of the town of Smyrna be and they are hereby vested with full power and authority to issue, for the purpose of carrying into effect the provisions of this act, bonds of the town of Smyrna to an amount not exceeding in the aggregate the sum of twenty thousand dollars, and of the denominations of one thousand, five hundred and one hundred respectively, and in such proportions as to each or any of these denominations as shall have been determined by the said commissioners of the town of Smyrna, which said bonds shall be dated on the first day of July of the year in which they may be issued, and numbered consecutively, commencing with number one, and shall bear interest from and after the date at a rate of interest not exceeding six per centum per annum, payable semi-annually on the first days of January and July in each year while they remain unpaid, at the Fruit Growers' National Bank of Smyrna, on presentation of the coupons representing said semi-annual interest, each semi-annual installment of interest being represented by coupons attached to said bonds. And said bonds shall be payable at the Fruit Grower's National Bank of Smyrna on the first day of July A. D. 1905, but may be redeemed at the option of the said commissioners of the town of Smyrna at any time after the first day of July, A. D. 1890; *provided, however*, that if the said commissioners of the town of Smyrna elect to redeem any of the said bonds according to these terms, such redemption shall be effected either on the first days of July or January, and in pursuance of notice signed by the president of the said commissioners of the town of Smyrna and the treasurer of said town, published for the space of thirty days in one newspaper published in the city of Wilmington, one published in the town of Smyrna, and one in Georgetown in this State; such notice

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shall indicate the bonds called, and in making the calls the said commissioners of the town of Smyrna shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption. Contents of notice.

SECTION 4. That the said commissioners of the town of Smyrna shall direct and effect the preparation, printing and sale of the bonds authorized by this act at such time or times and on such terms as they may deem expedient; but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act. The form for said bonds shall be prescribed by said commissioners of the town of Smyrna, which shall be signed by the president of the said commissioners and the treasurer of said town, and sealed with the corporate seal of said corporation, and shall be exempt from state, county and municipal taxation. As the said coupons and said bonds are paid, the same shall be cancelled in such manner as the said commissioners shall direct. Printing, &c., under direction of commissioners.
Application of money.
Form of bonds.
Bonds cancelled.

SECTION 5. That the said commissioners of the town of Smyrna be and they are hereby directed and required to apply all the water rents and other revenues, which may be derived from the water works provided for by this act, to paying the expenses of properly keeping up and operating said water works as directed by this act, and shall apply the surplus, if any remains, to the payment of the interest accruing on the bonds issued in accordance with the provisions of this act. And if after the payment of said interest there should still remain a surplus from the revenue of said water works, the said surplus shall be used for redemption of said bonds in the manner provided for by this act. And the said commissioners of the town of Smyrna are hereby authorized and required to levy upon all assessable real estate in the town of Smyrna, annually, a special tax sufficient to pay all the interest accruing on said bonds and all the expenses of properly keeping up and operating the said water works as aforesaid, which the rents and revenue derived from said water works may be inadequate to meet. And said commissioners of the town of Smyrna are also authorized and empowered to levy a further special tax upon said real estate in said town, annually, for the purpose of establishing a sinking fund adequate to the redemption at or before maturity of all the bonds which may be issued under the provisions of this act; Application of money received from water rents, &c.
Redemption
Special tax on real estate, when.

OF CITIES AND TOWNS.

Sinking
fund, how
established.

provided that the amount to be raised for the purpose of establishing a sinking fund for the redemption of said bonds shall not exceed in any one year the sum of one thousand dollars.

Unlawful to
interfere
with works.

SECTION 6. That any person or persons designedly or negligently injuring the said water works or any part thereof, or obstructing the passage of water to or from the same, or in any manner polluting the water required for said water works at its source, or at any point below said source, shall for every offense forfeit and pay to the said commissioners of the town of Smyrna a fine not exceeding one hundred dollars, to be recovered by said commissioners of the town of Smyrna, before the alderman of said town, or any justice of the peace residing in Kent county; and the said commissioners of the town of Smyrna shall have power to impose fines and penalties for the enforcement of all such ordinances as they shall make touching the regulation, management and protection of the water works provided for by this act.

Penalty,
how recover-
ed.

General
powers.

Authority to
use public
road.

Purposes.

SECTION 7. That the said commissioners of the town of Smyrna shall have full power and authority to enter upon any public road without the limits of the said town for the purpose of laying pipes for the conveyance and distribution of water under the provisions of this act.

Submitted
to vote.

Majority.

Qualifica-
tion of
voters.

Notice of
election,
how posted.

SECTION 8. That before the provisions of this act shall go into effect, the sum or sums of money proposed to be borrowed or raised under this act shall be submitted to and approved by a majority of the votes cast at any special election which the said commissioners of the town of Smyrna are hereby authorized to call from time to time as they shall deem necessary; and at any such election each owner of real estate within the town of Smyrna, being a resident thereof, shall have a right to cast one vote for every dollar and every fractional part of a dollar of town tax which is or may be assessed against his or her real estate at the time of holding such election; and notice of every such election shall be given by the secretary of said board of commissioners by public notices posted in at least ten public places in the town, at least ten days before the time of such election.

Pledge for
payment.

SECTION 9. That the faith of the said town of Smyrna is hereby pledged for the payment of the bonds authorized to be issued under this act.

OF CITIES AND TOWNS.

SECTION 10. That the act entitled "A further supplement to the act entitled 'An act in relation to the town of Smyrna,'" passed at Dover, April 20, 1883, be and the same is hereby repealed. Repealed.

Passed at Dover, March 16, 1885.

CHAPTER 565.

OF CITIES AND TOWNS.

AN ACT to amend Section one of Chapter 192, of Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That Chapter 192, of Volume 17 of Laws of Delaware, be and the same is hereby amended by inserting after the word "town," in the seventeenth line of Section one, the words: "or if there is no justice of the peace, then the alderman, or if there is no alderman, then the commissioners of said town, shall elect or appoint a citizen who is a voter at said election to perform the duties as required by this section." Section 1,
Chapter 192,
current
volume,
(town of
Newport)
amended.

Passed at Dover, March 19, 1885.

CHAPTER 566.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Frederica.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):* That the corporation created by the act entitled "An act to incorporate the town of Frederica," passed at Corporation
continued.

OF CITIES AND TOWNS.

Dover, March 8, 1865, be and the same is hereby continued in force for the period of twenty years from the passage hereof, and that it shall have all the power, rights and privileges conferred by the said act, which, for such purpose, is hereby re-enacted, and the commissioners elected on the first Monday of March, 1885, shall be the commissioners until the first Monday of March, 1886; and in case the fourth Saturday of March named in the fourth section of the said act shall happen before the passage hereof, then it shall be lawful for the said commissioners to hold their first stated meeting on the fourth Saturday of April in the present year, and at such meeting to do and perform anything which by the said act they were authorized to do on the said fourth Saturday in March, and thereafter their meetings shall be as in said act provided.

Passed at Dover, March 26, 1885.

CHAPTER 567.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A further supplement to the act entitled 'An act to incorporate the Town of Milford,' passed at Dover, April 7, 1881."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Section 2,
Chapter 496,
Volume 10.

May raise
\$2,000 in
lieu of
\$2,000.

SECTION 1. That Section 2 of the act entitled "A further supplement to the act entitled 'An act to incorporate the Town of Milford,'" be and the same is hereby amended by striking out the word "two" in said Section 2 of said act, where it occurs in the fifth line of said section, and inserting in lieu thereof the word "three."

Passed at Dover, March 31, 1885.

OF CITIES AND TOWNS.

CHAPTER 568.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Magnolia.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring), as follows:

SECTION 1. That the limits of the town of Magnolia shall ^{Limits.} be and determined by measuring from a stone in the centre of the main roads leading from Dover to Frederica and from Canterbury to Barker's Landing, at the intersection of the said roads in the town of Magnolia, and measuring from the said stone one-fourth ($\frac{1}{4}$) of a mile in all directions, forming a radius or circle of one-half mile in diameter through the centre of the said circle in any and all directions. The Council of the Town of Magnolia may at any time hereafter ^{Survey and plot.} cause a survey and plot to be made of the said town, and said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Kent County, ^{Plot recorded.} and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this state.

SECTION 2. There shall be a Council of the Town of ^{Town council.} Magnolia, to be composed of five members, to wit: Four Councilmen and one President of Council. The Councilmen and President of Council shall be elected on the second Tuesday in April next following the passage of this act, and on the second Tuesday in April annually thereafter there shall be held an election in some public place selected by the council for this purpose, within the limits of said town, ^{Annual election.} for four councilmen of the town of Magnolia; two of said councilmen to be elected to serve for two years and two for one year, and one president of council to be elected, and two councilmen and one president of council to be elected annually thereafter. The councilmen shall be elected for the term of two years and until their successors shall be duly elected, and the president of council shall be elected for the term of one year and until his successor shall be duly elected; but any councilman, or the president, may be re-elected.

OF CITIES AND TOWNS.

Notice.

Qualifications of voters.

Certificates.

Record.

The councilmen and the president of council shall be resident freeholders of the town of Magnolia at the time of their election. The election shall be opened at two o'clock, P. M., and closed at four o'clock, P. M. Five days' notice shall be given by advertisement posted in at least two public places in the limits of said town, signed by the president and the secretary of the board of council of each annual meeting. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the votes shall be counted, and the person or persons, as the case may be, resident in the town, having the highest number of votes shall be elected. The election shall be held by the alderman and the two councilmen holding over, to be chosen by the council at the previous monthly meeting in March; excepting that the first alderman shall be chosen by the council at their monthly meeting in May, 1885. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said tickets out of the box, open and read out the same and pass the same over to one of the others for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for, for either councilmen or president of council, the alderman may give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect and to the president-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect and president-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen and president elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy should

OF CITIES AND TOWNS.

occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, or of the president thereof, the remaining councilmen and the president (if there be no vacancy in the office of president, and if there be the remaining councilmen) shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected. ^{Vacancies, how filled.}

SECTION 3. The town council, at the meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in the town, to be Alderman of the Town of Magnolia (who may or may not be a justice of the peace resident in said town) to serve as such for one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the members composing the town council. Before entering upon the duties of his office he shall be sworn or affirmed by the president of the town council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this state, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of a justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail, or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this state or by any ordinance of the town council regularly passed and established for the government of the town, and also of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; *provided* that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding one hundred dollars exclusive of costs. His fees for any service under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law the ^{Town alderman.} ^{Powers and duties.} ^{Proviso.}

OF CITIES AND TOWNS.

fee may be established by ordinance of the town council. If any vacancy shall occur in the office of alderman of the town of Magnolia by death, resignation, removal from office or otherwise, such vacancy may be supplied by the town council, at any meeting thereof, for the residue of the term. If any alderman shall be removed from his office by the town council as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Vacancy,
how filled.

Failure to
deliver
books, &c.

Penalty.

Report by
alderman.

Penalty for
failure.

President
of council.

SECTION 4. The alderman shall, at every monthly meeting of the town council, report to the council all fines and penalties imposed by him during the preceding month, and pay to the treasurer of the town of Magnolia all such fines and penalties received by him during said time; and in any default of making such report, or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

SECTION 5. The duties of the president of council shall be to preside at the meetings of council; have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council; receive complaints of nuisances and other complaints of citizens, of violations of law and ordinances, and present the same to the council at their first meeting for their action, and such infractions or violations of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Magnolia which by Section 1 of Chapter 51 of the Revised Code a license therefor is required. He shall sign all warrants on the treasurer for

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the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

SECTION 6. The councilmen and the president of council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and in equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this state by the corporate name of "The Town of Magnolia," and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold, and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper; and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall, annually, appropriate, for the repair of said roads and streets, a sum of money not less than fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Magnolia for the use of said town. The said council, by their treasurer, shall account to the Levy Court for the said order.

Corporate powers.

Title.
Corporate seal.

Control of streets.

Road appropriation.

SECTION 7. The town council shall have power, upon the application of ten or more citizens of the town by petition for the purpose, to locate, lay out and open or widen any new street or streets, lane or lanes, or alley or alleys, or widen any street, lane, or alley heretofore laid out, or hereafter to be laid out in said town, or re-open any old street or streets, lane or lanes, or alley or alleys now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out, and opened, or widened, or re-opened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, or alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, drawn upon him by order of the council aforesaid.

Lay out and open streets.

Compensation to property owners.

OF CITIES AND TOWNS.

Powers in
relation to
preserva-
tion of pub-
lic health.

General
powers.

Registration
of dogs.

Town
surveyor.

Powers in
relation to
paving, &c.

Notice.

SECTION 8. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones; to regulate and fix the ascents and descents of all streets, lanes and alleys and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter stones, plates, or planks therein, and for curbing wherever in their opinion such paving or graveling, making of gutters, and the placing of gutter stones, plates, or planks therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same clean and in good order. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registering of the same, and to regulate their running at large, and ~~may~~ impose an annual tax on dogs, and ~~may~~ provide for the collection of the same from each and every person owning or harboring any dog or dogs, and, also, shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint or employ a town surveyor to make a plot or map showing the ascent and descent of all the streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

SECTION 9. Whenever the said town council shall have determined that any paving, graveling, guttering, placing of gutter stones, plates or planks in any gutter, and curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter stones, plates or planks in any gutter, and curbing, to be done in conformity

1 mile limit on male dogs and one dollar on female

and

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who shall constitute the town police. The council of the said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed if it shall be deemed necessary to make such appointments.

Annual statement.

SECTION 12. The council of said town shall cause a statement of their receipts and expenditures to be made public once a year at the annual meeting in April.

Regulations concerning streets.

SECTION 13. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions in and upon the public streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered with costs by the treasurer of said town, in the name of the town of Magnolia, before the alderman of said town, or before any justice of the peace of the county, in the same manner as debts of like amount are recoverable by law.

Penalty for violation.

May use county jail.

SECTION 14. It shall and may be lawful for the council of said town to use the jail of Kent county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinance or regulation adopted under the provisions of this act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

Power to use funds of town.

Acts of majority legal.

SECTION 15. The council of said town shall have the power and authority to use the money in the treasury of said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in

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the council of said town, the remaining members, until such vacancy or vacancies shall be filled, as hereinbefore provided, shall have the same power and authority as the whole.

SECTION 16. It shall be the duty of the alderman of said town, and council of said town, to suppress all riotous, turbulent, disorderly or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meetings, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until said fine and cost shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any constable, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. Any constable arresting any person so offending as aforesaid, after the hour of ten o'clock at night, may take such person so arrested and deliver him into the custody of the keeper of the jail of Kent County to await a trial before the alderman of said town. It shall be the duty of the constable, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such persons so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offense in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the jail of Kent County, to wait a trial at a time by him to be fixed; such time shall in no case be

Suppression
of riots, &c.

Police
powers.

Issue war-
rants on
complaint.

Duty of
constables.

Trial and
punishment.

Commit-
ment to
await trial.

OF CITIES AND TOWNS.

Fees.

Sheriff's
fees.

more than twenty-four hours from the time of commitment, unless the expiration of said twenty-four hours would be on the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of fifty cents, and the keeper of said jail shall be entitled to a like fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners; *provided* the town shall pay for the board of all prisoners committed to the jail for violation of the charter or by-laws of the Town of Magnolia.

Suppression
of certain
nuisances.

SECTION 17. The alderman of said town, the council of said town, and the town constable, shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, or alleys of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town; and the council of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section, and may provide for collection of such fines and penalties so imposed.

General
powers in
relation to
nuisances
and obstructions.Notice
to abate
nuisance.

SECTION 18. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed either on their own view or upon complaint of any citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves or upon such information and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days

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after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the council of said town may issue a warrant in the name of the town of Magnolia, under the hand of the president of the council and the seal of the said corporation, and directed to the town constable, or to any constable of the county, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Magnolia and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things right and proper to be done for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, and if the same be not paid to the treasurer of said town for the use of the town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 9 of this act for the collection of the expense of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred and shall proceed in the same manner as directed by said Section 9 of this act on warrant directed to him under said section to collect the expense of paving, graveling, &c.

Warrant to constable.

Powers of constable.

Costs and damages, how collected.

SECTION 19. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Kent County, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than fifty dollars, and may be imprisoned in the discretion of the court, and upon such conviction he shall *ipso facto* forfeit his office.

Constable refusing to perform duty guilty of misdemeanor.

Penalty.

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Election of
officers.Treasurer,
clerk and
assessor.

Collector.

Treasurer's
bond.Moneys in
treasury,
how paid
out.Treasurer
may collect
taxes.
Duties of
clerk.Compensa-
tion of,
officers.

SECTION 20. It shall be the duty of the council of said town, as soon as conveniently may be, after each annual election of members of said council on the second Tuesday in April of each year as hereinbefore, to elect, by ballot, a treasurer, clerk and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be one of the councilmen and be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also, before entering upon the duties of his office, give bond to the town of Magnolia, with sufficient surety, to be approved by the council of said town, in the penal sum of one thousand dollars, conditioned for the faithful discharge of the duties of his said office and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of March, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services, to be determined by the council of said town.

SECTION 21. It shall be the duty of the assessor of said

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town annually to make a true, just and impartial valuation and assessment of all the real estate within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment, and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall, within [five days] next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the postoffice in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Tuesday next after the expiration of the said ten days, hold a court of appeal, which shall continue open from one o'clock P. M. till three o'clock P. M. of said day, when they shall hear and determine appeals from the said assessment and may make corrections or additions to or alterations in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals, shall be given by posting such notice in at least three public places in the town of Magnolia. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council of said town. All taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed in just and equal proportions and rates. The said assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

Assessor's duties.

Return of assessment to council.

Council to assess property of assessors.

Transcript.

Court of appeal.

Notice.

Determination of council final.

Taxes, how levied.

Assessor sworn.

SECTION 22. The council of said town, after having Tax levy. ascertained the sum necessary to be raised on the said town for the purposes of this act, which said sum shall in no year Limit. exceed five hundred dollars, clear of all delinquencies and

with special the power of Council to determine

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Duplicate
lists.

Collector's
powers.

Power of
council to
make de-
ductions.

May make
additions.

Collector
to bond.

Collector's
compensa-
tion.

expenses of collection, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, shall proceed to collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the collectors of county rates. In the collection of said taxes the council of said town shall have the power and authority to order the collector of taxes, or, if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the said tax, and if the tax assessed against any person or the property of any person be not paid by the first day of October in any year next after the assessment of the same, to order the collector of taxes, or, if there be none, the treasurer, to add five per cent. to the amount of any tax then unpaid, and such increased amount shall be collected out of any taxable liable for the same in the same manner as though said tax had not been increased. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Magnolia, with sufficient surety to be approved by the council of said town, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the treasurer of said town in the month of March next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town.

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SECTION 23. This act shall be deemed and taken to be a public act.

Passed at Dover, April 3, 1885.

CHAPTER 569.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Townsend.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of of each branch of the Legislature concurring):

SECTION 1. That Eli C. Welch, Geo. M. D. Hart, James T. Taylor, Daniel B. Maloney and Albert Lynam are hereby appointed commissioners, whose duty it shall be, and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay down on a plot the town of Townsend in New Castle County, establishing its limits, and making, describing and naming its streets and alleys, and shall, when the service is performed, return the plot, under their hands, to the Recorder's office, at Wilmington, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence. The commissioners and the surveyor, before entering upon their duties under this section, shall take oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

SECTION 2. *Be it further enacted as aforesaid,* That the commissioners hereby appointed, and their successors in office, to be chosen as hereinafter provided, shall be a body politic and corporate, in fact and in law, by the name of The Commissioners of the Town of Townsend, and may sue and be sued by that name. They shall, in addition to the power hereinbefore conferred, have power to regulate the streets, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be put in a safe and passable condition at the expense of the owners of

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Repair of sidewalks. Proviso. the lands adjacent; (*provided further*, that there will be no compulsion for any one to pave their sidewalks for five (5) years from date of this act); on complaint of any citizen to examine any chimneys, stovepipe fixtures, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied, or removed;

Nuisances. to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice in said town.

Term of office. SECTION 3. *Be it further enacted as aforesaid*, That the commissioners herein named shall continue in office until the first Saturday in May, A. D. 1886, on which day, in that year, there shall be held an election in said town of Townsend, at the school house, from 2 o'clock, P. M., until 4 o'clock, P. M., for the election of five commissioners: three of them for one year, and two for two years; and on the aforesaid first Saturday of May in every year thereafter to elect three or two commissioners, as the requirements may be; and three of the said commissioners shall be freeholders, but any married man, resident of said town, whose wife is a freeholder of said town, may be considered eligible for the office. The said election may be held by the justice of the peace and two citizens, chosen by the people present entitled to a vote, who shall be judges of said election, and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At such election every male and unmarried female taxable of said town, above the age of twenty-one years, and shall have paid the town tax last assessed to them, shall be entitled to a vote; and it is further provided that, if so preferred, the female taxables can vote by proxy. The commissioners elected in the year of 1887, and every year thereafter, to hold their office for the term of two years; and if any vacancies shall occur in said board of commissioners by death, resignation, or refusal to serve or otherwise of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Elections, when and where held.

Qualifications.

Judges of elections.

Duties.

Who entitled to vote.

Vacancies, how filled.

Stated meetings, when held. SECTION 4. *Be it further enacted as aforesaid*, That there shall be four stated meetings in every year of the said commissioners, viz: on the first Saturday of June, September, December and March, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the street, the repairs of

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all trunks or watercourses, the planting and protecting of ornamental trees, and for all other matters relating to the general welfare of said town as said commissioners may deem proper; *provided* the same be not repugnant to the constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection; also, the president shall, at the request of two or more commissioners, call a special meeting of the commissioners whenever they may deem such meetings necessary, and at such meetings they shall have the right to transact any business that they may have power to transact at regular meetings. The said commissioners shall, at their first meeting after the election, elect one of their number as president of said board, whose duty it shall be to preside at the meetings of council, have the general supervision of all streets in said town and of the persons who may be employed by the town commissioners, receive complaints of nuisances, and other complaints of citizens of violation of the laws and ordinances, and present the same to the commissioners at their first meeting for action, and violations or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners. And if any one, after being duly elected commissioner, shall refuse to serve, he shall be fined the sum of five dollars, and the same be recovered before any justice of the peace of the county of N. C., with costs.

Powers and duties in relation to streets, &c. Proviso.

May impose fines, etc.

Special meetings.

Election of president. Duties.

Refusal of commissioners to serve. Fine.

SECTION 5. *Be it further enacted as aforesaid,* That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding one hundred dollars, including tax on real and personal property, poll tax and tax on dogs not included; and they shall appoint an assessor, who may or may not be of their number, to make an assessment of persons and property in said town, and shall also appoint a collector and treasurer. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all male citizens residing in said town

Amount of taxes determined.

Not to exceed \$100. What to include.

Assessor.

Collector and treasurer.

Duty of assessor.

Assessments

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above the age of twenty-one years, as well as those owning real estate as those not owning such estate within its limits, at twenty-five cents per head, and also to ascertain the number of dogs within said town, and assess the owner or keeper of a dog or dogs fifty cents for first male dog, and one dollar for each and every additional dog, and two dollars for each female dog. And the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. The compensation of said assessor shall be two dollars and fifty cents for his services. When the assessment is returned, the commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from five to seven o'clock in the afternoon, to hear appeals from said assessment. They shall have power on such day to add to or decrease any assessment except that of dogs and poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount, deducting commissions and delinquencies, (which shall be allowed by the commissioners), to the treasurer by the first day of February next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collector of county taxes. *Provided further*, that any manufacturing interests that may start in said town shall be exempt from all town tax for ten years.

Tax on dogs

Compensation of assessor.

Notice of assessment, when and where.

Appeals.

Duties of collector.

Power of collector.

Manufacturing industries exempt from taxes.

Expenditures by commissioners.

SECTION 6. *And be it further enacted as aforesaid*, That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them.

Road commissioners authorized to expend on roads, etc., in said town. Amount.

SECTION 7. *Be it further enacted as aforesaid*, That the Road Commissioners of Appoquinimink Hundred shall annually appropriate for the repair of the roads and streets of said town a sum of money not more than one hundred dollars, and shall make an order for the payment thereof to the

OF CITIES AND TOWNS.

treasurer of the town of Townsend, for the use of said town. The town commissioners shall render to the road commissioners an account of how the said money was expended. Account rendered.

SECTION 8. *Be it further enacted as aforesaid,* The commissioners shall appoint an alderman and a town constable. Alderman and town constable.

SECTION 9. *Be it further enacted as aforesaid,* That it shall be the duty of the alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert, or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, or alleys of said town, at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys, or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take them or him before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until the said fines and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the Duties. Punishment for certain offenses. Further duties of alderman in matters of complaint. Discretion of alderman, when.

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Fees of
alderman
and constable.

alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. And in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.

SECTION 10. *Be it further enacted*, That this act shall be deemed and be taken to be a public act, and shall be printed among the laws of this state.

Passed at Dover, April 3, 1885.

CHAPTER 570.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 460, Volume 15, Laws of Delaware, entitled "An act to re-incorporate the Town of St. Georges, and for other purposes."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 460,
Volume 15,
amended.

SECTION 1. That Chapter 460, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out of said chapter all of Section 5 and by substituting in lieu thereof the following section, which shall be taken and published as Section 5 of the said act:

Election of
president
and council,
when.

Terms.

Future
elections.

"SECTION 5. An election for a president and five members of the town council shall be held on the first Monday in May, in the year of our Lord one thousand eight hundred and eighty-five; at which election one person for president and two persons for members of the town council shall be elected for the term of one year, and three persons for members of the said council shall be elected for the term of two years. And annually hereafter in every year the citizens, as qualified in Section 4 of the act to which this is amendatory, shall meet at the usual place of holding elections in the town of St. Georges and elect, alternately, as the case may require, one person for president of the town council and two

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persons for members of the said council, or, in the next or alternate year, when the president is holding over, they shall elect three persons for members of the said council; and the term of office of the president and members of the council so elected in each alternate year shall begin on the second Monday in May in the year in which they are elected and continue for two years, or until their successors are elected and qualified. Which election shall be conducted by three judges, or a majority of them, who shall be appointed by the said town council at least ten (10) days prior to the date of said election; and the said judges so appointed shall cause public notice to be posted in five of the most public places in said town at least one week prior to the date of holding said election, and in case of neglect or refusal of said judges to serve or to open said election on the day and at the hour herein appointed, then the president, or, if he be absent, the citizens present, may immediately appoint two or more discreet persons to be judges of said election; *provided* that all elections shall be by ballot, and shall open at two o'clock and close at five o'clock in the afternoon of the same day."

Term.

Election,
how con-
ducted.

Notice.

Judges of
election.Elections
by ballot.
Opening
and closing.

Passed at Dover, April 14, 1885.

CHAPTER 571.

OF CITIES AND TOWNS.

AN ACT to further amend an act entitled "An act to incorporate the Town of Odessa," passed at Dover, April 2, 1873.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That Section 7 of said act be and the same is hereby amended by striking out the words "two hundred," in the sixth line thereof, and inserting in lieu thereof the words "three hundred."

Section 7 of
Chapter 537,
Volume 14,
amended.

Passed at Dover, April 14, 1885.

OF CITIES AND TOWNS.

CHAPTER 572.

OF CITIES AND TOWNS.

AN ACT to authorize the Mayor and Council of New Castle to Purchase the Works of the New Castle Gas Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Authority
to purchase
New Castle
Gas Com-
pany.

SECTION 1. That it shall and may be lawful for the Mayor and Council of New Castle to acquire, by purchase from the corporation known as "The New Castle Gas Company," all the property, real estate and fixtures belonging to the said company, and to hold the same absolutely for the use of the said City of New Castle under such regulations and rules as the said "The Mayor and Council of New Castle" shall appoint and establish.

Rights
conferred.

SECTION 2. That upon such purchase the said "The Mayor and Council of New Castle" shall succeed to all the rights and be clothed with all the corporate powers conferred upon and now belonging to the said "The New Castle Gas Company" by an act of the General Assembly, passed at Dover, February 19, A. D. 1857, and any supplement thereto.

Authorized
to borrow
not exceed-
ing \$100,000.

Certificates
of indebted-
ness.

Rate of
interest.

Money, how
appropri-
ated.

Proviso.
No certifi-
cates issued
unless voted
by vote of
citizens.

SECTION 3. That upon the purchase as aforesaid, "The Mayor and Council of New Castle" shall be and they are hereby authorized to borrow, upon the credit of the said city, such sum or sums of money as may be deemed necessary, not exceeding one hundred thousand dollars, and for that purpose may issue certificates of indebtedness of such denomination, in such form, payable at such time, not exceeding twenty years from the date thereof, and bearing such rate of interest not exceeding the legal rate, as the said "The Mayor and Council of New Castle" may deem expedient, which said sums of money shall be paid over to the treasurer of the said City of New Castle, to be drawn out and used by the "Mayor and Council of New Castle" for the purpose of the said purchase. *Provided, however,* that the said "The Mayor and Council of New Castle" shall not at any time have the power to issue said certificates of indebtedness, or any of them, until a special election of the citizens of New Castle

OF CITIES AND TOWNS.

has been held by two persons appointed by the city council, not of their own body, and a majority of the votes cast at such election has been ascertained to be in favor of the issuance thereof. At such election all persons entitled to vote at any city election shall be allowed to vote. As many elections may be held in the manner aforesaid as the said city council may deem necessary to accomplish the objects and purposes of this act. Qualifications of voters.

SECTION 4. In order to provide for the payment of the interest on said certificates of indebtedness, the city council of New Castle shall raise annually, by taxation of the persons and property within the limits of said city, (according to the provisions of an act entitled "An act to incorporate the City of New Castle, passed at Dover, February 28, A. D. 1875," and any supplement thereto in regard to the assessment and collection of taxes within the said city,) such sum as may be necessary for the purpose of paying said interest, and shall also raise such further sum annually in the same way as in the discretion of the said "The Mayor and Council of New Castle" may be advisable, which shall constitute a sinking fund for the payment and liquidation of the said certificates of indebtedness. Tax levied to meet interest on certificates. Sinking fund

SECTION 5. The Mayor and Council of New Castle shall be authorized to demand and take from the collector of taxes and the treasurer of said City of New Castle the additional security to cover the amount of the proceeds of sale of the said certificates of indebtedness as aforesaid, and upon failure to give such security to appoint others in their places. Collector and town treasurer. Additional security.

SECTION 6. This shall be deemed and taken to be a public act.

Passed at Dover, April 14, 1885.

OF CITIES AND TOWNS.

CHAPTER 573.

OF CITIES AND TOWNS.

AN ACT to authorize the Mayor and Council of New Castle to purchase the works of the New Castle Water Works Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Authority to
purchase
Water
Works Co.

SECTION 1. That it shall and may be lawful for the Mayor and Council of New Castle to acquire by purchase, from the corporation known as The New Castle Water Works Company, all the property, real estate and fixtures belonging to the said company, and to hold the same absolutely for the use of the said City of New Castle, under such regulations and rules as the said "The Mayor and Council of New Castle" shall appoint and establish.

Rights ac-
quired by
purchase.

SECTION 2. That upon such purchase the said "The Mayor and Council of New Castle" shall succeed to all the rights and be clothed with all the corporate powers conferred upon and now belonging to the said The New Castle Water Works Company by an act of the General Assembly, passed at Dover, February 11, A. D. 1859, and any supplement thereto.

Authority
to borrow
not exceed-
ing \$100,000.

SECTION 3. That upon the purchase as aforesaid, "The Mayor and Council of New Castle" shall be and they are hereby authorized to borrow, upon the credit of the said city, such sum or sums of money as may be deemed necessary, not exceeding one hundred thousand dollars, and for that purpose may issue certificates of indebtedness of such denomination, in such form, payable at such time, not exceeding twenty years from the date thereof, and bearing such rate of interest not exceeding the legal rate, as the said "The Mayor and Council of New Castle" may deem expedient, which said sums of money shall be paid over to the treasurer of the said City of New Castle, to be drawn out and used by "The Mayor and Council of New Castle" for the purposes of the said purchase. *Provided*, however, that the said "The Mayor and Council of New Castle" shall not

Issue of cer-
tificates of
indebted-
ness.
Denomina-
tion.
Rate of in-
terest, when
payable.
Money,
how appro-
priated.

Proviso.

OF CITIES AND TOWNS.

at any time have the power to issue said certificates of indebtedness, or any of them, until a special election of the citizens of New Castle has been held by two persons appointed by the city council, not of their own body, and a majority of the votes cast at such election has been ascertained to be in favor of the issuance thereof. At such election all persons entitled to vote at any city election shall be allowed to vote. As many elections may be held in the manner aforesaid as the said city council may deem necessary to accomplish the objects and purposes of this act.

No certificates issued unless authorized by vote of citizens.

Who entitled to vote.

SECTION 4. In order to provide for the payment of the interest on said certificates of indebtedness, the city council of New Castle shall raise annually, by taxation of the persons and property within the limits of the said city (according to the provisions of an act entitled "An act to incorporate the City of New Castle," passed at Dover, February 28, A. D. 1875, and any supplement thereto in regard to the assessment and collection of taxes within said city), such sum as may be necessary for the purpose of paying said interest, and shall also raise such further sum annually, in the same way, as in the discretion of the said "The Mayor and Council of New Castle" may be advisable, which shall constitute a sinking fund for the payment and liquidation of the said certificates of indebtedness.

Interest provided for, how.

Tax levy.

Also for sinking fund

SECTION 5. The Mayor and Council of New Castle shall be authorized to demand and take from the collector of taxes and the treasurer of said city additional security to cover the amount of the proceeds of sale of the said certificates of indebtedness as aforesaid, and upon failure to give such security to appoint others in their places.

May require additional security from collector and treasurer.

SECTION 6. All contracts existing between the Trustees of the Commons of the City of New Castle and the New Castle Water Works [Company] are hereby saved and preserved, and the said "The Mayor and Council of New Castle" remitted to all rights of the New Castle Water Works [Company] under any such contract.

Rights under existing contracts

SECTION 7. This shall be deemed and taken to be a public act.

Passed at Dover, April 14, 1885.

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CHAPTER 574.

OF CITIES AND TOWNS.

AN ACT in relation to the Election of Trustees of the New Castle Commons.

Preamble.

WHEREAS by the charter creating the Board of Trustees of the New Castle Commons, and by the act of the General Assembly, passed January 25, A. D. 1792, it is provided that all vacancies in the said board shall be filled by the inhabitants of the town of New Castle at an election to be held at the Court House in the said town at such time as the said trustees shall appoint; and whereas the courts have been removed from the said town; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Vacancies
in board,
how filled.

Qualifica-
tion of
voters.

SECTION 1. That hereafter all vacancies in the said board shall be filled by an election held at such place and at such time and by such persons as the said trustees shall appoint, according to the mode and in the manner and form as provided by the said charter and act of Assembly, and that the electors of the said trustees shall have the qualifications therein provided.

SECTION 2. That this shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1885.

CHAPTER 575.

OF CITIES AND TOWNS.

AN ACT authorizing the Trustees of New Castle Commons to Dispose in Fee Simple of the Real Estate belonging to the Trust.

Preamble.

WHEREAS by warrant from William Penn and by subsequent charter and deeds from his heirs, certain real estate

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adjacent to the City of New Castle (then town) was vested in trustees for the benefit of the citizens of said city (then town); and whereas it has been represented to this General Assembly that it would be greatly for the benefit of the said city and its inhabitants if the said real estate should be sold; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the Trustees of New Castle Commons be and they are hereby authorized and empowered to sell and convey in fee simple, in whole or in part, the said real estate now held by them in trust, making therefor good and sufficient deeds under the corporate seal of the said trustees, in such manner that the purchaser or purchasers shall take and hold the said property free and discharged from the said trust, and without liability as to the application of the purchase money.

Trustees may convey property held in trust.
Title.
Fee simple.

SECTION 2. Upon sale of the said premises, in part or in whole, as aforesaid, the purchase money arising therefrom shall be invested by the said trustees in good real estate security, to be held upon the same uses and trusts as the said real estate is now held and for no other, and the income arising from the said investments shall be applied by them as the rents and profits of the real estate have heretofore been applied, for the benefit of the inhabitants of the City of New Castle in the discretion of the trustees.

Proceeds of sale, how applied.
Income, how applied

SECTION 3. Any act or parts of acts inconsistent herewith or with the duties of the trustees as herein provided are hereby repealed.

SECTION 4. This shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1885.

OF CORPORATIONS.

CHAPTER 576.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 181, current volume Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 3 of
Chapter 181,
current
volume,
amended.

Harrington.

SECTION 1. That Section 3 of Chapter 181, current volume Delaware Laws, be and is hereby amended by adding to the end thereof the following: "and no live stock used to farm the land mentioned in this section shall be taxed for town purposes, *provided* they are kept on the lands so exempted from taxation."

Passed at Dover, April 15, 1885.

CHAPTER 577.

OF CORPORATIONS.

AN ACT to incorporate the Milford Illumination and Water Supply Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Commissioners.

Books of
subscription,
when
opened.

SECTION 1. That H. B. Fiddeman, Robert H. Davis, James M. Hall, George S. Grier, John B. Smith, William F. Causey, Robert H. Williams, James R. Lofland, George H. Hall, Isaac S. Truitt and Thomas J. Davis, be and they are hereby appointed commissioners under the direction of whom subscriptions may be received to the capital stock of the "Milford Illumination and Water Supply Company" hereby incorporated, and they, or a majority of them, may cause books to be opened at such time and place as they may direct, for the purpose of receiving subscriptions to the capital

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stock of said company, after having given such notice of the time and place of opening the same as they may deem proper.

SECTION 2. That the capital stock of the said "Milford Illumination and Water Supply Company" shall not exceed the sum of fifty thousand dollars (\$50,000), divided into shares of twenty-five dollars (\$25) each, but as soon as one hundred (100) shares of said capital stock shall have been subscribed, they, the subscribers thereto, their successors and assigns, shall be and they are hereby declared to be incorporated into a body politic by the name and style of the "Milford Illumination and Water Supply Company," and by that name and style shall be capable in law of suing and being sued in any court of law or equity in the State of Delaware or elsewhere, and shall have all the rights and immunities usually granted to like companies, and may have a corporate seal, with the right to alter or amend the same at any time, and by the aforesaid style and name shall be capable in law of purchasing, holding, selling, leasing and conveying both real and personal estate as far as may be found necessary for the purpose hereinafter mentioned, and shall have succession by said corporate name for twenty years.

Capital stock not to exceed \$50,000.

Shares. Amount.

Corporate name, Powers.

SECTION 3. That as soon as one hundred shares of said capital stock have been subscribed, the said commissioners, or a majority thereof, shall call a meeting of the stockholders, at such time and place in Milford as they may appoint, and at such meeting the said stockholders shall elect a president and five directors, by ballot, to manage the affairs of said company. They may establish by-laws and rules for the regulation of the affairs of the company and for the government of the same, and on all occasions, whenever a vote of the stockholders is necessary to be taken, each stockholder shall be entitled to one vote for every share of stock owned by him, her or them, and may be voted in person or by proxy.

Meeting of stockholders

President and directors.

Votes.

SECTION 4. That the affairs and business of the company shall be managed by the president and directors, and by such officers, agents and servants as they, or a majority of them, may appoint, and the said president and directors shall continue in office until suspended by another election, which shall be on the first Monday in the month of January succeeding the organization and election of directors, and on

Term of office.

Election.

OF CORPORATIONS.

Ballot. the same day in each and every year thereafter, by ballot, aforesaid. And in case it shall happen, at any time, that an election shall not take place on the day above mentioned, the said corporation shall not, for that cause, be dissolved, but it shall and may be lawful to hold an election in the town of Milford on any other day, due notice thereof being given.

Payment of subscriptions. SECTION 5. That it shall be lawful for the president and directors, or a majority of them, to require payment of the subscription to the capital stock of said company at such time and in such proportion as they, or a majority of them, shall deem necessary, under the penalty of forfeiting all previous payments, due notice thereof being given to such delinquent stockholders.

Power to acquire real property and erect buildings. Purposes. SECTION 6. That the president and directors shall have full power and authority to purchase or lease property in the town of Milford, to erect thereon the necessary buildings and works for the use and purpose of said company in the manufacture of light for illuminating purposes, and for the supply of water, as they may think best, or for either of said purposes, and to dispose of the same for the use of the town of Milford, or the streets thereof, or any buildings, manufactories or houses therein situated; and to effect their object shall have power to lay pipe and to erect wires above, under, or along any of the streets, lanes or alleys of said town of Milford, or any adjacent thereto; *provided* that before said company shall go upon any streets, public highways or private lands, for the purpose of laying pipes, erecting poles, or for any other purpose included in the provisions of this act, they, the said company, shall procure, under the hand of the town commissioners, the Levy Court, or the private owners thereof, right of way therefor.

Further powers as to laying pipes, etc. Provide. Must obtain right of way. May receive subscriptions for whole or part. SECTION 7. That the president and directors, for the time being, shall have power to receive subscriptions for the whole or any part of the capital stock remaining unsubscribed, in such manner and at such times as they, or a majority of them, may deem proper and necessary, and the stock of this corporation shall be deemed personal property. This act shall be deemed and taken to be a public act, and shall be published as such.

Personal property.

Passed at Dover, April 15, 1885.

OF CORPORATIONS.

CHAPTER 578.

OF CORPORATIONS.

AN ACT to re-enact the act entitled "An act to incorporate the Historical Society of Delaware."

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring),* That the act entitled "An act to incorporate The Historical Society of Delaware," passed at Dover, October 26, 1864, be and the same is hereby re-enacted, extended and confirmed for the period of twenty years from the twenty-sixth day of October A. D. one thousand eight hundred and eighty-four, and that the said "The Historical Society of Delaware" shall continue to possess, enjoy and exercise all the powers, privileges and immunities conferred upon it by its original act of incorporation, and all acts and resolutions of the Legislature of Delaware in relation thereto, in the same manner and to the same extent as if the said original act had not expired by limitation. Volume 12,
p. 501.
Re-enacted.

Passed at Dover, February 3, 1885.

CHAPTER 579.

OF CORPORATIONS.

AN ACT to incorporate the Associated Charities of Wilmington, Delaware.

WHEREAS an organization has been effected in the City of Wilmington, Delaware, having for its purpose the establishment of a centre of inter-communication between the various charitable agencies and church organizations for the relief of the poor of said city; therefore Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

OF CORPORATIONS.

Corporators

Corporate
name.
Powers.

SECTION 1. That Alfred D. Warner, John H. Adams, Daniel W. Taylor, James Bradford, Peter N. Brennan, John T. Gause and Edward Betts, and all such other persons as now are members of an association in the City of Wilmington called "Associated Charities of Wilmington, Delaware," and all other persons who may become members of the corporation, are hereby constituted a body corporate by the name of "Associated Charities of Wilmington, Delaware," with power to have and use a common seal, and to alter the same at pleasure, and to sue and be sued, to take and hold, by grant, purchase and devise, real and personal property to an amount not exceeding one hundred thousand dollars (\$100,000) in value, for the purposes of said corporation, and to sell, convey, lease and mortgage the same, or any part thereof, subject, however, to the laws of the State of Delaware in relation to devises.

Purposes of
corporation
set forth in
following
articles:

SECTION 2. The purposes and objects of this corporation shall be:

Article I. To be a centre of inter-communication between the various charitable agencies and church organizations in the city; to foster harmonious co-operation between them, and to check the evils growing out of duplicating relief.

Article II. To investigate thoroughly the cases of all applicants for relief which are referred to the association for inquiry, and provide the persons having a legitimate interest in such cases with full reports of the results of such investigation.

Article III. To provide visitors who shall personally attend cases needing counsel, advice and assistance.

Article IV. To obtain from the proper charities and charitable individuals funds and supplies for the relief of the deserving cases.

Article V. To procure work for poor persons who are capable of being wholly or partially self-supporting.

Article VI. To repress mendicancy by the above means, and by the prosecution of impostors.

Article VII. To promote the general welfare of the poor by social and sanitary reforms, and by the inculcation of habits of providence and self-dependence.

OF CORPORATIONS.

SECTION 3. Said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission and suspension of its members and their government, the collection of funds, the number and election of its officers, and to define their duties, and for the safe keeping of its property, and from time to time to alter, modify or change such constitution, by-laws, rules and regulations. Until an election shall be held pursuant to such constitution, by-laws, rules and regulations, the officers for the time being of the association mentioned in the first section of this act shall be the officers of the corporation hereby created.

Further powers defined.

SECTION 4. That the Levy Court of New Castle County be and is hereby authorized and empowered, at its discretion, from time to time, to make appropriations out of the funds of the said county, for the use and disposal of the officers of this association in the pursuance of its charitable purposes, and to that end the said court may draw orders upon the treasurer of said county, which orders shall be paid by the treasurer in like manner as are other orders and allowances of the Levy Court made pursuant to existing laws.

Levy Court may make appropriations.

Orders drawn on treasurer of county.

SECTION 5. That owing to the public and charitable character of the work of this corporation, and its ability thereby to lessen the burden of taxation, any and all property now held, or that may hereafter be acquired in any manner by the said corporation, together with any and all gifts, devises, bequests or legacies to it in any manner heretofore or hereafter given, are and shall be exempt from all taxes, assessment or abatement whatsoever, for state, county or municipal or other purposes, so long as the same is held or used for charitable purposes.

Property of the corporation exempt from taxation.

SECTION 6. That the president of said corporation shall have power to direct the Overseer of the Almshouse in and for New Castle County, to receive persons into said almshouse, *provided* said persons live within the corporate limits of the City of Wilmington; and *provided further*, that in so directing said overseer to receive said persons, the president aforesaid shall be governed by the same laws as govern the members of the Trustees of the Poor of New Castle County in performing like duties, and the persons so received into the said almshouse shall be subject to the same rules, regulations and laws as govern persons received into said almshouse upon the order of the members of the Trustees of the Poor of New Castle County.

President of corporation. Power as to admission of persons in almshouse.

Directions to Overseer of Almshouse.

OF CORPORATIONS.

Corporation
may furnish
temporary
homes for
homeless.

May require
work in
return.

Proviso.

Notice
before ad-
mission.

May arrest
persons re-
fusing to
work.

When com-
mitted to
jail as va-
grants.

SECTION 7. That said corporation shall have the power, and is hereby authorized, to establish a wayfarer's lodge, or place where homeless and destitute persons can be fed and sheltered during the night, and any person or persons so receiving shelter and food, or either, in such lodge, may be required to perform work for a space not exceeding four hours in return for such shelter or food; *provided* such person or persons shall have been notified before their admission to said lodge that they will be required to work therefor. And in case the person so receiving shelter, or food, or both, shall refuse to perform work, and shall be physically able to work, the superintendent, or any other officer of such lodge, is hereby authorized either to arrest such person or persons him-
himself or themselves, or to call upon any conservator of the peace to arrest such person or persons, and take him or them before the City Judge of the City of Wilmington, and upon proof before him that such person or persons have received shelter and food, or either, in such lodge, and have refused to perform work for a space of four hours in return therefor, and are physically able to perform the work demanded, his or their refusal shall be evidence of vagrancy, and said city judge may commit such person or persons to the county jail as vagrants for a period not exceeding thirty days.

SECTION 8. This act shall be deemed and taken to be a public act.

Passed at Dover, March 19, 1885.

CHAPTER 580.

OF CORPORATIONS.

AN ACT to revoke the Charter of the Wesleyan Female College.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Charter
revoked.

SECTION 1. That the act entitled "An act to re-incorporate the Wesleyan Female College," passed at Dover, February 27, 1873; also the act entitled "A supplement to the act

OF CORPORATIONS.

entitled 'An act to incorporate the Wesleyan Female Collegiate Institute,' passed at Dover, January 17, 1855, Volume 11, Delaware Laws, Chapter 152, and the act entitled "A further supplement to an act entitled 'An act to incorporate the Wesleyan Female Collegiate Institute,'" passed at Dover, March 28, 1871, Volume 14, Delaware Laws, Chapter 185, be and the same are hereby repealed and made null and void.

Passed at Dover, April 15, 1885.

CHAPTER 581.

OF CORPORATIONS.

AN ACT to incorporate the Trustees of the Wilmington Armory.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. That J. Parke Postles, William T. Porter, E. Tatnall Warner, Harry T. Gause and Edward G. Bradford, and their successors chosen in accordance with the provisions of this act hereinafter contained, be and they are hereby created and declared a body corporate and politic by the name and style of "Trustees of the Wilmington Armory," and by that name shall have succession for and during the period of twenty years from and after the passage of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere at law or in equity; and shall have power to make and use a common seal, and alter the same at pleasure; and for the purpose of this act, hereinafter set forth, to take, receive, have and hold, by gift, grant, devise, or bequest, real and personal property of whatsoever kind or nature, and to use and enjoy the same, and the same from time to time to sell, grant, alien, demise, mortgage, pledge, or otherwise dispose of; and to make, ordain and establish such by-laws and regulations as shall be deemed necessary or convenient for the government and management of the affairs and business of said corporation,

Corporate
name.

Powers.

OF CORPORATIONS.

Proviso.

Property not
to exceed
\$50,000.

No banking
powers.

not being contrary to the constitution or laws of the United States or of this State; to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said corporation, and generally to do all such acts or things as are or shall be necessary or proper to carry into effect the provisions of this act and promote the design of said corporation; *provided, however,* that said corporation shall not at any one time hold real property to an amount exceeding fifty thousand dollars in value, nor personal property in excess of fifty thousand dollars in value; *and provided further,* that the provisions of this charter shall not confer any banking powers.

Purposes of
incorpora-
tion.

SECTION 2. That the purposes of said corporation are the erecting, maintaining, fitting up, and furnishing of a building or buildings in the City of Wilmington to be used as an armory by such organizations of the military force of this state as shall have their permanent headquarters in said city, and the acquiring and holding of such property, real or personal, within or without said city for the use and benefit of said organizations as shall by said corporation be deemed necessary or proper for the drilling of said organizations or otherwise promoting their efficiency.

Vacancies
of trustees.
Mode of
filling the
same.

SECTION 3. In case of any vacancy or vacancies at any time occurring among the trustees constituting said corporation by reason of death, resignation, refusal to act or otherwise, the remaining member or members of said corporation shall forthwith cause written notice of the existence of such vacancy or vacancies to be given to the commanding officer residing in the City of Wilmington of said organizations having their headquarters in said city as aforesaid, and it shall thereupon become the duty of such commanding officer to call a meeting of all commissioned officers of said organizations having their headquarters as aforesaid, and all general, field and staff officers residing in said city of the military forces of this State, to be held within the space of thirty days next succeeding the receipt by such commanding officer of notice as aforesaid, for the purpose of electing a trustee or trustees to fill such vacancy or vacancies. The call for such meeting shall specify the vacancy or vacancies to be filled, and name the day, hour and place of such meeting, and shall be inserted in a newspaper published in the City of Wilmington at least five days prior to the day appointed for such meeting. At such meeting of said officers a majority

Notice of
vacancy
published in
newspaper,
where and
how long.

OF CORPORATIONS.

of those present shall elect by ballot a trustee or trustees to fill such vacancy or vacancies, and it shall be the duty of the presiding officer of such meeting forthwith, after such election, to certify in writing the result thereof to said corporation, and such certificate shall be *prima facie* evidence of the result of such election. In case of failure to fill any such vacancy or vacancies by election as aforesaid within the space of thirty days next succeeding the receipt by such commanding officer of notice as aforesaid, it shall be lawful for the remaining members of said corporation, by a majority vote, to elect by ballot a trustee or trustees to fill such vacancy or vacancies, or if there be only one remaining member it shall be lawful for him to appoint, in writing, trustees to fill the vacancies in said corporation. If at any time, by reason of death, resignation, refusal to act, or otherwise, there shall be no member of said corporation living, or willing and able to act, said corporation shall not become dissolved thereby, but upon the report in writing by the adjutant-general of the fact of there being no member of said corporation as aforesaid, it shall be the duty of the Governor to appoint some suitable person as a member of said corporation, and the trustee so appointed shall forthwith cause written notice of the remaining vacancies to be given to the commanding officer residing in the City of Wilmington, of said organizations having their headquarters in said city as aforesaid, and thereupon such proceedings shall be had for the filling of such vacancies as are in this section above provided in other cases of vacancy.

Election
by ballot.Certificate
of election.
Evidence.Failure
to elect.
Vacancy,
how filled.When the
Governor
may appointDuty of
the trustees
appointed.

SECTION 4. At any stated or special meeting of said corporation for the transaction of business, the enactment of by-laws, or the doing of any other matters or things within the power of said corporation, a quorum shall consist of not less than three members thereof; *provided, however*, that nothing contained in this section shall be taken to conflict with the provisions of this act regulating the election or appointment of trustees.

Quorum.

Proviso.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 8, 1885.

OF CORPORATIONS.

CHAPTER 582.

OF CORPORATIONS.

AN ACT to incorporate the Trustees of the Milford Armory.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Corporators SECTION 1. That C. A. Blair, Frank Reedy, S. N. Gray, George W. Marshall, Walter Davis and W. E. Lank, and their successors chosen in accordance with the provisions of this act hereinafter contained, be and they are hereby created and declared a body corporate and politic by the name and style of "Trustees of the Milford Armory," and by that name shall have succession for and during the period of twenty years from and after the passage of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of record in this state or elsewhere at law or in equity, and shall have power to make and use a common seal, and to alter and amend the same at pleasure; and, for the purposes of this act hereinafter set forth, to take, receive, have, hold and enjoy by gift, grant, devise or bequest real and personal property of whatsoever kind or nature, and to use the same, and from time to time sell, grant, alien, mortgage, pledge or otherwise dispose of, and to make, ordain and establish such by-laws, rules and regulations as shall be deemed necessary or convenient for the management and government of the affairs and business of said corporation, not being contrary to the constitution or laws of this State or of the United States; to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said corporation, and generally to do all such acts or things as are or shall be necessary and proper to carry into effect the provisions of this act and promote the design of said corporation; *provided, however,* that the provisions of this charter shall not confer any banking powers.

Corporate name.

Powers.

No banking powers.

Purposes of corporation

SECTION 2. That the purposes of said corporation are the erection, maintaining, fitting up and furnishing of a building or buildings in the town of Milford, to be used as an armory by the military organizations having permanent headquarters in said town, to wit: the organization known as the "Gover-

OF CORPORATIONS.

nor's Cavalry" and Company B of the State Militia, known as the "Torbert Guards," and the acquiring and holding of such property, real or personal, within or without said town, for the use and benefit of said organizations as shall by said corporation be deemed necessary or proper for the drilling of said organizations or otherwise promoting their efficiency.

SECTION 3. In the case of any vacancy or vacancies at any time occurring among the trustees constituting said corporation by reason of death, resignation, refusal to act, or otherwise, the remaining member or members of said corporation shall forthwith cause written notice of the existence of such vacancy or vacancies to be given to the commanding officer of each of said companies, and it shall thereupon become the duty of the commanding officer of the company or organization of which said corporator or trustee was a member, to call a meeting of all the members of said company to which said trustees belonged, to be held within ten days next succeeding the receipt by such commanding officers of notice aforesaid, for the purpose of electing a trustee or trustees to fill such vacancy or vacancies. The call for such meeting shall specify the vacancy or vacancies to be filled, and name the day, hour and place of such meeting. At such meeting, a majority of the members present of the organization in which such vacancy has occurred shall elect, by ballot, a trustee or trustees to fill such vacancy or vacancies, and it shall be the duty of the presiding officer of such meeting forthwith, after such election, to certify, in writing, the result thereof to said corporation, and such certificate shall be *prima facie* evidence of the result of such election. In case of failure to fill any such vacancy or vacancies by election as aforesaid at the time specified in said notice as aforesaid, after the receipt by such commanding officer of notice as aforesaid, it shall be lawful for the remaining members of said board of trustees to elect, by ballot, or otherwise, a trustee or trustees to fill such vacancy or vacancies; or, if there be only one remaining member of said board, it shall be lawful for him to appoint, in writing, trustees to fill the vacancies in said corporation. If, at any time, by reason of death, resignation, refusal to act or otherwise, there shall be no members of said corporation living or willing and able to act, said corporation shall not become dissolved thereby, but upon report in writing by the Adjutant General of the fact of there being no member of said corporation as aforesaid, it shall be the duty of the Governor to appoint some

Vacancies
of trustees,
how filled.

Certificate
of election
to fill va-
cancy.
Evidence.
Failure to
elect.
Vacancy,
how filled.

When the
Governor
may appoint

OF CORPORATIONS.

Duty of
person ap-
pointed.

suitable person as a member of said corporation, and the trustee so appointed shall forthwith cause written notice of the remaining vacancies to be given, to be filled by the said organizations, and such proceedings shall be had for the filling of such vacancies as are above provided in other cases of vacancies.

Quorum.

Proviso.

SECTION 4. At any stated or special meeting of said corporation for the transaction of business, the enactment of by-laws, or the doing of any other matters or things within the power of said corporation, a quorum shall consist of four members; *provided, however*, that nothing contained in this section shall be taken to conflict with the provisions of this act regulating the election or appointment of trustees.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 16, 1885.

CHAPTER 583.

OF CORPORATIONS.

AN ACT to incorporate the Frederica and Felton Telephone and Telegraph Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Corporators

Title.

Powers.

SECTION 1. That John W. Hall, Robert W. Reynolds, Alvan B. Connor, Benjamin Whiteley, Henry H. Reik, Robert J. Green and William E. Knowles, and their associates or persons who shall become stockholders, be and the same are hereby made a body politic and corporate by the name and style of the Frederica and Felton Telephone and Telegraph Company, and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and jurisdictions whatsoever, and also of contracting and being contracted with relative to the business and objects of said corporation as hereinafter

OF CORPORATIONS.

declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors aforesaid shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of the said corporation.

SECTION 2. That the corporation created by Section 1 of this act is hereby authorized and empowered to locate, construct, maintain and operate a telephone or telegraph line between the towns of Frederica and Felton, with power also to locate, construct, operate and maintain such a line between Frederica and Milford, and likewise between Frederica and Dover, and branch line to Wyoming, with intermediate offices upon such lines as the said company shall deem necessary; and the said company is expressly authorized and empowered to erect and maintain the necessary poles, with wires thereon, and generally to do all and everything necessary and proper to enable it to execute and carry into effect the purposes contemplated by its creation. And the said corporation hereby created is also empowered to erect and maintain its poles for the support of wires and other conductors of electricity along public highways necessary to be traversed by the lines authorized by this act; *provided, however*, that such poles shall be so located as not to interfere with public travel; *and further*, that they shall be located under the direction of the road supervisors and other officers legally entitled to the supervision of such highways.

SECTION 3. The capital stock of said company shall be \$500.00, to be divided into 100 shares of \$5.00 each; which said capital stock may be increased to a sum not exceeding \$15,000.00, either at one time or from time to time, as the directors shall determine; and the directors of said company shall have power to issue the additional stock in shares of the same par value as those of the original stock, and to dispose of the same at such time and in such manner as the directors may determine.

SECTION 4. The management and control of the Frederica and Felton Telephone and Telegraph Company shall be vested in the persons named in the 1st section of this act until the period herein fixed for the regular election of directors, who shall choose a president, treasurer and secretary. And the stockholders of said company shall meet annually on the first Monday in April, in the town of Frederica, or such other place as they may determine upon, and elect

OF CORPORATIONS.

Annual
election.

Notice.

seven directors for said company, all of whom shall be stockholders, who shall select from their number a president and also a treasurer and secretary for said company, who may or may not be directors of said company. The notice for said election and the manner of conducting the same shall be provided for in the by-laws of said company; and in all the elections each share of stock shall entitle the holder to one vote, every stockholder being entitled to as many votes as he holds shares of stock.

Certificates
of stock.

SECTION 5. Said company shall procure certificates or evidences of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary and sealed with the common seal of said corporation, to each person for each share or shares of stock as by him or her respectively owned, which certificate of stock shall be transferable, at his or her pleasure, in person, or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose.

Meetings of
directors.

Powers.

SECTION 6. The board of directors of said company shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who, in the absence of [the] president, may choose a chairman, and shall keep a minute of their transactions fairly entered in a book. They shall have full power to fix all salaries to employes, and to fix the rates for the use of said telephone or telegraph lines which this corporation is empowered to erect and control; and to enact by-laws for the proper regulation and government of said corporation, and generally to do such other matters, acts and things as by this act and the by-laws of this corporation they are authorized to do.

Dividends.

SECTION 7. The board of directors shall declare dividends, not exceeding six per cent. per annum, or so much of the net profits of the company as shall appear to them advisable, on the 1st Monday in January and July of each year, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

Malicious
injury to
wires, &c.

SECTION 8. If any person shall willfully or maliciously do or cause to be done any act or acts whatever, whereby any pole, wire, battery, or any matter or thing appertaining to the same shall be obstructed, injured or destroyed, the

OF CORPORATIONS.

person or persons so offending shall be guilty of a misdemeanor, or may be indicted therefor in the Court of General Sessions of the Peace and Jail Delivery in and for the county in which said offense was committed, and on conviction thereof shall be punished by fine not exceeding \$500.00, or imprisonment not exceeding one year, or both, in the discretion of the court; *provided*, that such criminal prosecution shall not in any way impair the right of said company to full compensation in damages by civil suit. Penalty.

SECTION 9. That said company shall have the right to charge all persons or parties using their telephone and telegraph lines a reasonable sum therefor, not exceeding 25 cents for first ten words and 2 cents a word for every additional word. Charges for use of wires.

SECTION 10. If, in the location, construction or maintenance of any telephone or telegraph line authorized by this act, any property owner shall consider that he has been in anywise damaged thereby, it shall and may be lawful for such owner to apply by petition to the Superior Court of the State of Delaware in and for Kent County, in term time, or, in vacation, to the Associate Judge residing in the said county, stating the facts, and thereupon, such court or judge shall appoint five freeholders of the said county to view the premises and ascertain and determine the amount of damages sustained by such owner. The said freeholders so appointed, having first been duly sworn or affirmed to perform their duties with fidelity, shall view the premises and determine the amount of damage sustained by such owner, and they, or any three of them, shall make a return in writing, under their hands, stating the amount of damage which said owner has sustained. Said return shall be approved by the said court or judge, unless either party shall, within five days, make application for the appointment of another set of freeholders, and [said] second set of freeholders shall, if appointed, have and exercise the same powers as those first appointed, and their award, or the award of any three of them, shall be final and conclusive. Damages to property.
How ascertained.
Return of freeholders.
Appeal.
Award final.

SECTION 11. That this act shall be deemed and taken to be a public act, and shall be published with the other public acts passed at this session of Legislature.

SECTION 12. The power to alter, amend or revoke this act is hereby expressly reserved to the Legislature.

Passed at Dover, April 8, 1885.

OF CORPORATIONS.

CHAPTER 584.

OF CORPORATIONS.

AN ACT to incorporate the Wilmington Conference Domestic Missionary Society.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein:

Corporators SECTION 1. That Charles Hill, John H. Caldwell, Arthur W. Milby, John A. B. Wilson, John B. Quigg, Thomas E. Martindale, Nicholas M. Browne, Wm. H. Hutchin, Joseph Smithers, A. Price Griffith, James Y. Stewart, Richard M. Cooper, Abram P. Nowell, Arthur E. Sudler, Henry C. Wolcott, Alfred G. Cox and Alfred I. Townsend, the trustees herein named, and their successors in office, to be chosen according to the provisions of this act, be and they are hereby declared to be a body politic and corporate for the purpose of supporting domestic missions within the bounds of the Wilmington Conference, and for the purchase of lots and the erection of churches for the use of the Methodist Episcopal Church, by the name, style and title of The Wilmington Conference Domestic Missionary Society, by which name it shall have succession for twenty years, and no longer; and shall be capable in law to take, by devise, bequest, gift, conveyance and purchase, any real or personal property, and may sell and convey, grant, mortgage, demise, or otherwise dispose of lands, tenements, hereditaments, goods, chattels and effects; and may sue and be sued, plead and be impleaded, answer and be answered in all courts of law and equity in this state or elsewhere; and may make by-laws for the government of said corporation; and to have and use a common seal, to alter or renew the same at pleasure, and generally to have and exercise all the privileges and franchises incidental to a corporation; *provided* that said corporation shall not hold real estate exceeding in value the sum of one hundred thousand dollars; *and provided further*, that this act shall not authorize said corporation to exercise any banking powers whatever.

Title.

Powers.

Not to hold real estate exceeding \$100,000.

Board of trustees.

SECTION 2. That the affairs and business of said corporation shall be conducted by seventeen trustees, four of whom

OF CORPORATIONS.

shall be presiding elders, members of the Wilmington Conference, who, by virtue of their office as presiding elders, shall be *ex officio* members of the board of trustees, four other ministers, members of the Wilmington Conference, and nine laymen residing within the bounds of said conference, who shall be appointed by the Wilmington Conference annually, at its annual session, and shall continue in office until their successors are duly chosen. How appointed.

SECTION 3. That the time and place of holding the annual or other meetings, the mode of electing the officers and the number of them, and the details of the management of said corporation, may be fixed by the by-laws; *provided* the by-laws are not inconsistent with the constitution and laws of the United States or of this State. Annual meetings. Proviso.

SECTION 4. If the said Wilmington Conference shall, at any annual session, neglect or refuse to appoint trustees as required by this act, or if the board of trustees shall neglect or refuse to elect officers of said corporation, or neglect or refuse to organize said corporation, or if they shall neglect or refuse to perform any act required of them under this act or the by-laws made in pursuance thereof, the said corporation shall not be dissolved; but the Wilmington Conference, at any annual session, may appoint a board of trustees who may do and perform all matters and things that may be required to be done under this act and the by-laws made in pursuance thereof. Failure to appoint, &c., not to dissolve corporation.

SECTION 5. This act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, April 10, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 585.

OF THE CITY OF WILMINGTON.

AN ACT to vacate a portion of Dock Street in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Part of
Dock street
vacated.

SECTION I. That so much of Dock street as lies between the westerly side of Orange street and the easterly side of Thorn street, in the City of Wilmington, be and the same is hereby vacated, and the person or persons through whose lands the said street runs or passes are hereby authorized to enclose and hold the same; and this act shall be deemed and taken to be a public act.

Passed at Dover, February 24, 1885.

CHAPTER 586.

OF THE CITY OF WILMINGTON.

AN ACT to further amend an act entitled "An act to revise and consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, A. D. 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Part of
Section 84,
Chapter 207
current
volume,
repealed.

SECTION I. That Section 84 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," be and the same is hereby amended by striking out and repealing all of said section after the words "the same," at the beginning of the twentieth line of said section, as the same appears printed in Volume XVII Delaware Laws, and inserting in lieu thereof the following, to wit: "The assessors shall, under the supervision of the Board of Assessment, Revision and Appeals, thereupon make out correct lists for

Duty of
assessors.

OF THE CITY OF WILMINGTON.

each district of the city, showing the number of persons and estates assessed upon both of the aforesaid assessments, with the whole amount of tax laid upon the several persons and estates under the foregoing provisions; and the said lists shall, on or before the fifteenth day of June, be delivered to the Clerk of Council, who shall immediately write thereon the warrants of the council for the collection of said taxes, which said warrants shall be signed by the president of the council and countersigned by the said clerk, and the said lists and warrants thereon be re-delivered by the clerk to the assessors on or before the twentieth day of June; whereupon it shall be the duty of the said assessors and collectors to forthwith collect and receive the taxes thereupon. The said assessors shall not, for the making out of such lists as aforesaid, receive any extra compensation, nor shall it be lawful for the council to grant any extra compensation therefor." Compensation.

Passed at Dover, March 24, 1885.

CHAPTER 587.

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 206, Volume 17, Laws of Delaware, entitled "An act for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That the act entitled "An act for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof," passed at Dover, April 18, 1883, be and the same is hereby amended by inserting between the word "water," at the end of the sixth line of Section 7 and the next following word "or," the words: "or any platform or hollow wharf, without completely sheathing the sides and end of the same above the level of low water with yellow pine or oak plank not less than three inches in thickness,".

Section 7 of
Chapter 206,
current
volume,
amended.

OF THE CITY OF WILMINGTON.

SECTION 2. That said act be and the same is hereby further amended by striking out Section 8 thereof and inserting in lieu of said section the following:

“SECTION 8. Any person who shall, at any time, after the appointment of Port Wardens, as hereinafter provided, erect, place or extend, in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, without having first obtained therefor a license from said Port Wardens, as hereinafter provided, shall be guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined not less than one hundred dollars, nor more than one thousand dollars. *Provided, however,* that if such wharf, pier, bulkhead, or other structure, shall, under the provisions of this act, be in whole or in part a public nuisance, nothing in this section contained shall operate to bar an indictment for maintaining such public nuisance, or to prevent the abatement of the same by said Port Wardens in manner as hereinafter provided.”

License
from port
wardens.

Penalty.
Fine.

Proviso.

SECTION 3. That said act be and the same is hereby further amended by striking out Section 9 thereof and inserting in lieu of said section the following:

“SECTION 9. Any person who shall violate any of the provisions of Section 6 or Section 7 of this act, shall be guilty of maintaining a public nuisance, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined not less than one hundred dollars nor more than two thousand dollars; and said court, if such public nuisance shall not then have been abated, shall order the Sheriff of New Castle County forthwith to abate the same, under the direction of the Board of Port Wardens of the City of Wilmington, and shall issue to said sheriff the writ of said court commanding him to levy and make of the goods and chattels, lands and tenements of the defendant the costs and expense of such abatement by said sheriff, and all the lands and tenements of the defendant within New Castle county shall be bound for the amount of said costs and expense from the time of the issuance of said order; such writ shall be executed upon either the real or personal property of the defendant, or both, and returned on the first day of the next term of said court, the sheriff giving ten days' notice, in a daily newspaper published in the City of Wilmington, of

Nuisance.

Abatement
of nuisance.

Sheriff's
writ.

Levy and
execution.

Notice of
sale.

OF THE CITY OF WILMINGTON.

the sale of the property levied on by the advertisement describing the property to be sold and appointing the day, hour and place of sale thereof. The sale of any lands and tenements under such writ shall be subject to the confirmation of said court, and upon confirmation thereof said court shall order the execution of a deed or deeds to the purchaser or purchasers, conveying to him, her or them the lands and tenements so sold. Such conveyance shall have the same operation and vest the same title as a deed by the sheriff of lands and tenements sold under a writ of *venditioni exponas* issuing out of the Superior Court of the State of Delaware. If such sale of real estate shall not be confirmed, said court may issue further orders of sale thereof, to be executed in like manner. The purchase money of real estate so sold shall not be applied to the payment of such costs or expense of abatement, but shall be held by the sheriff, subject to the order of said court, until confirmation of the sale. *Provided, however,* that nothing in this section contained shall be construed to limit or qualify the power of the Chancellor to restrain, by injunction, the erecting, placing or maintaining in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, platform, pier, bulkhead, or other structure, or obstruction, or any culvert, or sluiceway, contrary to the provisions of this act; *and provided further,* that said Board of Port Wardens shall have full power and authority, upon written complaint at any time made to said board, or any member thereof, by any person whomsoever, forthwith to abate and remove any wharf, platform, pier, bulkhead or other structure or obstruction, or any culvert, or sluiceway, in the tideway of said rivers, or either of them, within the limits aforesaid, so far as the same shall, in the opinion of the said board, violate or be forbidden by the provisions of this act, or any wreck, bar, rock, abandoned material or property, or other accidental obstruction in said rivers, or either of them, within the limits aforesaid, which shall, in the opinion of said board, be dangerous to navigation; *and provided further,* that the Chancellor shall have power to restrain, by injunction, any improper exercise by said Board of Port Wardens of the summary power of removal or abatement herein above conferred upon said board. The said Board of Port Wardens shall have power, for the purpose of defraying the costs and expense of such abatement or removal, to sell any property or material so removed at public sale, first giving ten days notice thereof in a daily

Confirmation of court.

Deed to purchaser.

Title.

Application of purchase money.

Proviso.

Jurisdiction of Chancellor.

Further proviso. Powers of port wardens.

Proviso. Injunction by Chancellor, when.

Costs, how met. Sale.

Notice.

OF THE CITY OF WILMINGTON.

Proceeds of sale. Residue, to whom paid.

When deposited in bank.

Board may have an action for debt, when.

Proviso. Appeal from judgment.

newspaper, published in the City of Wilmington, by advertisement describing the property to be sold and appointing the day, hour and place of sale thereof; the balance, if any, of the proceeds of said sale, after defraying such costs and expense, together with costs of sale, to be paid to the owner or owners of such property or material, or, in case such owner or owners be unknown to said Board of Port Wardens, to be deposited in the Farmers' Bank of the State of Delaware at Wilmington, to the credit and subject to the order of the Court of General Sessions of the Peace and Jail Delivery. The said Board of Port Wardens shall also have power to recover the amount of the costs and expense of such abatement or removal, or any part thereof, in an action of debt, to be brought by said board in the name of the Board of Port Wardens of the City of Wilmington against the owner or owners of the property or material so abated or removed, or the person or persons who shall have caused or maintained the nuisance so abated or removed, before any justice of the peace in the City of Wilmington; *provided, however,* that an appeal shall lie from any judgment rendered in such action of debt to the Superior Court of the State of Delaware as in other actions of debt brought before such justice of the peace."

Further powers.

SECTION 4. That said act be and the same is hereby further amended by inserting in the third line of Section 16 thereof, between the words "position" and "in," the words "and number"; and also by striking out the word "aforesaid," in the seventh line of said section, and inserting in lieu thereof the words "in this section contained."

SECTION 5. That said act be and the same is hereby further amended by inserting in the sixth line of Section 18 thereof, between the words "aforesaid" and "for," the words "whether such land or structure be within or beyond the lines established and determined by said commissioners in and by their return as aforesaid,".

SECTION 6. That said act be and the same is hereby further amended by inserting between the words "Wardens" and "For" in the sixteenth line of Section 19 thereof, the following: "It shall also be his duty to enforce any and all orders of said board touching the abatement or removal of obstructions or public nuisances under the provisions of this act in the waters of the said rivers within the limits afore-

OF THE CITY OF WILMINGTON.

said." And also, by striking out the words "one hundred," in the twenty-ninth line of said Section 19, and inserting in lieu thereof the words "five hundred".

SECTION 7. That said act be and the same is hereby further amended by striking out of Section 21 thereof the words "and of any justice of the peace residing therein"; and also by striking out of said section the words "or justice of the peace."

SECTION 8. That in all future editions of the laws of this state the act of which this act is an amendment shall be published as hereby amended.

Passed at Dover, March 27, 1885.

CHAPTER 588.

CHAPTER CCVI, VOLUME XVII, PUBLISHED AS AMENDED.

AN ACT for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Wm. T. Porter, Franklin B. Colton, George W. Bush, Geo. A. LeMaistre and Washington Jones be and they are hereby constituted and appointed commissioners to do and perform the matters and things hereinafter prescribed, that is to say: The said commissioners shall, within two years after the passage of this act, view the Christiana river from where the bridge of the Philadelphia, Wilmington and Baltimore Railroad Company crosses the same to the mouth thereof, and the Brandywine river from where the bridge known as the Market street bridge crosses the same to the mouth thereof, and that part of the River Delaware upon which the City of Wilmington fronts, and the shores and margins of said rivers within the limits aforesaid, and fix, alter, readjust, establish and determine lines

Commissioners.

Duties.

OF THE CITY OF WILMINGTON.

Proceeds of sale. Residue, to whom paid.

When deposited in bank.

Board may have an action for debt, when.

Proviso. Appeal from judgment.

newspaper, published in the City of Wilmington, by advertisement describing the property to be sold and appointing the day, hour and place of sale thereof; the balance, if any, of the proceeds of said sale, after defraying such costs and expense, together with costs of sale, to be paid to the owner or owners of such property or material, or, in case such owner or owners be unknown to said Board of Port Wardens, to be deposited in the Farmers' Bank of the State of Delaware at Wilmington, to the credit and subject to the order of the Court of General Sessions of the Peace and Jail Delivery. The said Board of Port Wardens shall also have power to recover the amount of the costs and expense of such abatement or removal, or any part thereof, in an action of debt, to be brought by said board in the name of the Board of Port Wardens of the City of Wilmington against the owner or owners of the property or material so abated or removed, or the person or persons who shall have caused or maintained the nuisance so abated or removed, before any justice of the peace in the City of Wilmington; *provided, however*, that an appeal shall lie from any judgment rendered in such action of debt to the Superior Court of the State of Delaware as in other actions of debt brought before such justice of the peace."

Further powers.

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OF THE CITY OF WILMINGTON.

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OF THE CITY OF WILMINGTON.

beyond which no wharf, pier, bulkhead, or other structure or obstruction shall be erected, placed, or maintained in the tideway of said rivers within the limits aforesaid.

Com-
mis-
sioners'
powers.

SECTION 2. In the performance of the duties aforesaid the said commissioners may, so far as they shall deem it practicable and expedient, ratify and adopt the lines established within the limits aforesaid pursuant to the act passed April 9th, 1869, entitled "A further supplement to the act entitled 'An act to regulate the building of wharves in the City of Wilmington,' passed at Dover, February 6th, 1855," but they shall have full power and authority to alter and change the same, or any part thereof; but all lines so ratified and adopted, and all lines so altered and changed, as well as all new lines fixed and established by the said commissioners, shall be described and plotted in the return of their proceedings hereinafter mentioned.

May estab-
lish land
marks.

Surveyor.

Oath, by
whom ad-
ministered.

SECTION 3. The said commissioners, for the purpose of ascertaining and establishing said lines, shall have power and authority to enter upon any lands adjacent to said rivers and there fix and establish such landmarks as they may deem necessary for the purpose aforesaid. And said commissioners, in the performance of their duties under this act, shall have authority to take to their assistance and employ such competent and skillful engineer or surveyor and other persons as they may deem necessary. The said commissioners, and the engineer or surveyor employed by them, before proceeding to the performance of their duties under this act, shall be severally sworn or affirmed to perform the same faithfully and impartially to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the peace residing therein, and certificates thereof shall be annexed to the return of said commissioners and be recorded therewith.

Return
duplicate.

Duplicate
plots.

SECTION 4. The said commissioners, as soon as conveniently may be after adjusting, determining and establishing such lines as aforesaid, shall make return of their proceedings in the premises, in duplicate, under their hands, or the hands of a majority of them, to the Council of Wilmington, together with duplicate plots, showing distinctly the said lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same. And the said council

OF THE CITY OF WILMINGTON.

shall, thereupon, cause one of said returns and plots to be filed and preserved in the office of the Chief Engineer of said city, and the other of said returns and plots to be filed, preserved and recorded in the office of the Recorder of Deeds in and for New Castle County, and the said duplicate returns and plots, respectively, and the record thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes.

Where
filed and
recorded.

Evidence.

SECTION 5. The acts of a majority of said commissioners shall be valid as the acts of all of them; and any vacancy occurring in said commission, by death, resignation, or otherwise, shall be filled by the remaining commissioners. The Council of Wilmington shall fix the compensation of said commissioners, and provide for the payment of the same. The compensation of the engineer, surveyor, and other persons employed by said commissioners in the execution of their duties under this act, shall be fixed by said commissioners, and provision for the payment of the same, as well as for the other necessary expenses of said commission, shall be made by the Council of Wilmington, from time to time, upon certificates by said commissioners.

Vacancies,
how filled.

Compensation,
how paid.

SECTION 6. From and after the making of said return by the said commissioners to the said council as aforesaid, no person shall erect, place, or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, or obstruction, beyond the lines established and determined by said commissioners in and by their return as aforesaid. *Provided, however,* that the establishment and determination of any such line or lines by said commissioners as aforesaid shall not render unlawful the maintenance of any wharf, pier, bulkhead, or other structure which, before that time, had been erected or placed in the tideway of either of said rivers beyond such line or lines.

No wharf,
pier, etc.,
allowed
within cer-
tain limits.

Proviso.

SECTION 7. From and after the passage of this act, no person shall erect, place or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, platform, or other structure supported on piles, piers, or abutments, in such manner as to leave open spaces between such piles, piers, or abutments above the level of low water, or any platform or hollow wharf, without completely sheathing the sides and end of the same above the level of low water with yellow pine or oak plank, not less than three inches in

Wharf sepa-
rate from the
main land
not allowa-
ble.

OF THE CITY OF WILMINGTON.

Sluiceways
not allow-
able.

Proviso.

thickness, or construct or maintain any sluiceway or culvert above the level of low water in any wharf or other structure which has been, or may be, erected or placed in the tideway of said rivers, or either of them, within the limits aforesaid. *Provided*, that nothing contained in this section shall be construed to render unlawful the maintenance of any wharf, platform, or other structure heretofore erected or placed in the tideway of either of said rivers, supported on piles, piers, or abutments, as aforesaid, or to render unlawful the maintenance of any sluiceway or culvert heretofore constructed above the level of low water, as aforesaid, or to prevent the erection or maintenance of suitable piers for bridges that are, or may be, authorized by law, and nothing contained in this section shall apply to the River Delaware.

License
from port
wardens.

Penalty.

Fine.

Proviso.

SECTION 8. Any person who shall, at any time after the appointment of Port Wardens as hereinafter provided, erect, place or extend in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, without having first obtained therefor a license from said Port Wardens as hereinafter provided, shall be guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined not less than one hundred dollars nor more than one thousand dollars. *Provided, however*, that if such wharf, pier, bulkhead or other structure shall, under the provisions of this act, be in whole or in part a public nuisance, nothing in this section contained shall operate to bar an indictment for maintaining such public nuisance, or to prevent the abatement of the same by said Port Wardens in manner as hereinafter provided.

Nuisance.

Abatement
of nuisance.

Sheriff's
writ.
Levy and
execution.

SECTION 9. Any person who shall violate any of the provisions of Section 6 or Section 7 of this act shall be guilty of maintaining a public nuisance, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined not less than one hundred dollars nor more than two thousand dollars, and said court, if such public nuisance shall not then have been abated, shall order the Sheriff of New Castle County forthwith to abate the same under the direction of the Board of Port Wardens of the City of Wilmington, and shall issue to said sheriff the writ of said court commanding him to levy and make of the goods and chattels, lands and tenements of the defendant, the costs and expense of such abatement by said

OF THE CITY OF WILMINGTON.

sheriff, and all the lands and tenements of the defendant within New Castle County shall be bound for the amount of said costs and expense from the time of the issuance of said order; such writ shall be executed upon either the real or personal property of the defendant, or both, and returned on the first day of the next term of said court, the sheriff giving ten days' notice, in a daily newspaper published in the City of Wilmington, of the sale of the property levied on, by the advertisement describing the property to be sold and appointing the day, hour and place of sale thereof. The sale of any lands and tenements under such writ shall be subject to the confirmation of said court, and upon confirmation thereof said court shall order the execution of a deed or deeds to the purchaser or purchasers, conveying to him, her or them the lands and tenements so sold. Such conveyance shall have the same operation and vest the same title as a deed by the sheriff of lands and tenements sold under a writ of *venditioni exponas* issuing out of the Superior Court of the State of Delaware. If such sale of real estate shall not be confirmed, said court may issue further orders of sale thereof, to be executed in like manner. The purchase money of real estate so sold shall not be applied to the payment of such costs or expense of abatement, but shall be held by the sheriff, subject to the order of said court, until confirmation of the sale. *Provided, however,* that nothing in this section contained shall be construed to limit or qualify the power of the Chancellor to restrain, by injunction, the erecting, placing, or maintaining in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, platform, pier, bulkhead, or other structure or obstruction, or any culvert, or sluiceway, contrary to the provisions of this act. *And provided further,* that said Board of Port Wardens shall have full power and authority, upon written complaint at any time made to said board, or any member thereof, by any person whomsoever, forthwith to abate and remove any wharf, platform, pier, bulkhead or other structure or obstruction, or any culvert, or sluiceway in the tideway of said rivers, or either of them, within the limits aforesaid, so far as the same shall, in the opinion of the said board, violate or be forbidden by the provisions of this act, or any wreck, bar, rock, abandoned material or property, or other accidental obstruction in said rivers, or either of them, within the limits aforesaid, which shall, in the opinion of said board, be dangerous to navigation; and

Notice of sale.

Confirmation of court.

Deed to purchaser.

Title.

Application of purchase money.

Provido.

Jurisdiction of Chancellor.

Further proviso. Powers of port wardens.

OF THE CITY OF WILMINGTON.

Proviso.
Injunction
by Chancel-
lor, when.

Costs,
how met.
Sale.
Notice.

Proceeds
of sale.
Residue, to
whom paid.

When de-
posited in
bank.

Board may
have an
action for
debt, when.

Proviso.
Appeal from
judgment.

Not to in-
terfere with
necessary
drainage.

Present
wharf lines.

provided further, that the Chancellor shall have power to restrain, by injunction, any improper exercise by said Board of Port Wardens of the summary power of removal or abatement hereinabove conferred upon said board. The said Board of Port Wardens shall have power, for the purpose of defraying the costs and expense of such abatement or removal, to sell any property or material so removed at public sale, first giving ten days notice thereof in a daily newspaper published in the City of Wilmington, by advertisement describing the property to be sold and appointing the day, hour and place of sale thereof; the balance, if any, of the proceeds of said sale, after defraying such costs and expense, together with costs of sale, to be paid to the owner or owners of such property or material, or, in case such owner or owners be unknown to said Board of Port Wardens, to be deposited in the Farmers' Bank of the State of Delaware at Wilmington, to the credit and subject to the order of the Court of General Sessions of the Peace and Jail Delivery. The said Board of Port Wardens shall also have power to recover the amount of the costs and expense of such abatement or removal, or any part thereof, in an action of debt, to be brought by said board in the name of the Board of Port Wardens of the City of Wilmington, against the owner or owners of the property or material so abated or removed, or the person or persons who shall have caused or maintained the nuisance so abated or removed, before any justice of the peace in the City of Wilmington; *provided, however*, that an appeal shall lie from any judgment rendered in such action of debt to the Superior Court of the State of Delaware, as in other actions of debt brought before such justices of the peace.

SECTION 10. Nothing herein contained shall be taken or construed to prevent the Council of Wilmington from constructing and maintaining proper sluices, culverts and waterways, for the drainage of said city, or to prevent the present public drains or gutters from being emptied into the aforesaid rivers, or either of them, or to prevent the construction or maintenance of sluiceways or waterways for the drainage of marsh or low lands on said rivers.

SECTION 11. Nothing hereinbefore contained shall be construed to alter or change any of the wharf-lines established on either of said rivers, within the limits aforesaid, pursuant to any former act or acts of the General Assembly, until the return of the said commissioners shall be made as hereinbefore provided.

OF THE CITY OF WILMINGTON.

SECTION 12. If any person shall willfully break, pluck up, remove or deface any post, stone, or other landmark which may be fixed, set, established, or adopted by said commissioners or port wardens under the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than five hundred dollars. *Provided* nevertheless, that the Council of Wilmington may, in any proper case, in its judgment, upon written application, by ordinance, accord to any person the right to remove any such post, stone or other landmark, upon such terms and conditions as shall be prescribed in such ordinance, and as shall preserve the certainty of, and the means of ascertaining, the lines which may be established or adopted pursuant to the provisions of this act.

Willful interference with land marks misdemeanor.

Proviso.

SECTION 13. The Council of Wilmington shall, at its third stated meeting in June next, elect, by ballot, a Board of Port Wardens, consisting of five members, to hold office as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, or until their successors are chosen. And the said council shall, annually, thereafter, in like manner, elect one port warden to succeed the one whose term of office shall have expired as aforesaid, and the person so elected shall hold office for five years, or until his successor is chosen. Whenever port wardens are to be elected as aforesaid, the Wilmington Board of Trade, a corporation of this State, shall nominate, in writing, at least five days before such election, at least two persons for each and every office to be filled as aforesaid, and the said council shall elect, as aforesaid, the requisite number of port wardens from the persons so nominated, and in case said corporation shall fail to make said nominations as aforesaid, said council shall elect such persons as they may deem proper. The said port wardens, before entering upon the duties of their office, shall be severally sworn or affirmed to perform the same faithfully and impartially, to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the peace residing therein, and certificates thereof shall be filed in the office of the clerk of said council. The said Board of Port Wardens shall annually elect one of their number Master Warden, who, when present, shall preside at the meetings of said board and shall perform such other duties as may be prescribed by any law of this State or ordinance of said city. The acts of a majority of said

Election of port wardens.

Term of office.

Mode of nomination.

Port wardens sworn.

Election of master warden.

OF THE CITY OF WILMINGTON.

Vacancies. board shall be valid as the acts of all of them, and any vacancy occurring in said board, by death or resignation, shall be filled by the remaining members of said board.

**Application
for license
to erect
wharf, etc.**

SECTION 14. Any person desiring to erect or extend in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, shall make application in writing to the Board of Port Wardens for a license therefor, and submit therewith a plan and specifications thereof; and if such erection or extension may be lawfully made, said board shall grant its license in writing for such erection or extension. Before any wharf, pier, bulkhead, or other structure shall be erected or extended in pursuance of such license, the correct lines thereof shall, under the direction of said board, be furnished by the Chief Engineer of said city, who shall prepare a plan in duplicate of the location of such wharf, pier, bulkhead, or other structure, one of which shall be delivered to the person receiving such license and the other to said board, to be filed and preserved in the office of the Chief Engineer of said city. The

**Duties of
chief engi-
neer.**

Fees.

said Chief Engineer shall receive for his services as aforesaid a fee of ten dollars, to be paid by the person receiving such license.

**Limits of
water front,
how deter-
mined.**

SECTION 15. The breadth of water front appertaining to the land of each proprietor, or owner, on the banks, or shores, of said rivers, within the limits aforesaid, shall be determined by protracting the lines of such land to the line established by law as the limit to which wharves or other structures may be built, whenever such protraction of said lines will not result in giving to the said owner more, or to any other riparian owner less than his proportionate share of frontage on said wharf-line. But in case of conflict between riparian owners, arising from the divergence or convergence of the lines of their lands, or the lines of any public street when the same shall be protracted as aforesaid, the said Board of Port Wardens are hereby authorized and empowered to settle and determine the lines and bounds of said owners within the tideway of said rivers, or either of them, and the frontage of said owners respectively on said wharf-line; and said board shall thereupon make report in writing of their determination in the premises, with a plot of the lines and frontage so established by them, and file such report and plot in the office of the Chief Engineer of said city, and the same, or a certified copy thereof, shall be competent

**Powers of
port war-
dens.**

**Report and
plot.**

Where filed.

OF THE CITY OF WILMINGTON.

evidence for all purposes. In the performance of their duties under this section said board may call to their assistance the Chief Engineer of said city, or any other competent engineer or surveyor, who shall receive for his services, in the premises, such compensation as shall be fixed by said board, to be paid by the persons between whom such conflict shall have arisen, or either of them, as said board may direct.

Evidence.

Surveyor.
Compensation.

SECTION 16. The said Board of Port Wardens shall have full power and authority to direct the mooring of ships and vessels in the harbor, and the position and number in which they shall lie at the wharves and docks, and the anchoring of ships and vessels in the Brandywine and Christiana rivers within the limits aforesaid, and to make, ordain and publish such rules and regulations in respect to the matters in this section contained as they shall deem fitting and proper, with penalties for the breach thereof; *provided*, that such rules and regulations shall not be contrary to the constitution and laws of the United States or of this State; and *provided* also, that no penalty so prescribed shall exceed the sum of twenty dollars.

Further
powers.

Proviso.

SECTION 17. The said Board of Port Wardens, or any member thereof, shall, upon application of the master or owner of any vessel, or the shipper or consignee of any cargo, coming into port in a damaged condition, view the said vessel or cargo and certify to the underwriters or other parties interested the extent and character of said damages, and may perform such other duties in the premises as are usually discharged by such officers. And the said board, or member thereof, performing such service, shall receive such compensation therefor as shall be fixed by general regulation of said board, to be paid by the party requiring such service.

Duties of
port warden.

Compensation.

SECTION 18. Whenever said Board of Port Wardens shall deem it necessary or expedient to purchase or acquire any land on or adjacent to the banks or shores of said rivers, or either of them, within the limits aforesaid, or any lawful structure in the tideway of said rivers, or either of them, within the limits aforesaid, (whether such land or structure be within or beyond the lines established and determined by said commissioners in and by their return as aforesaid,) for the purpose of improving the navigation of such river or rivers, or the removing of obstructions to such navigation, they shall, for that purpose, make application in writing to the Council of Wilmington, therein accurately and fully

Application
by board of
port warden
to purchase
lands, etc.

OF THE CITY OF WILMINGTON.

Plot.

Council may
provide for
purchase.Condemna-
tion.Annual ap-
propriation
by council.
What to
include.

Proviso.

New wharf
lines.Duties of
port war-
dens.

describing the land or structure proposed to be purchased or acquired as aforesaid, and the new wharf-line or lines proposed by them to be established; (if they shall deem any such new line or lines necessary in such case,) together with a plot of the same made under their direction by the Chief Engineer of said city or by some other competent engineer or surveyor, and thereupon the said council shall have power and authority, if they shall deem such purchase or acquisition necessary or expedient as aforesaid, to provide, by ordinance, for such purchase or acquisition; and if the Mayor and Council of Wilmington shall be unable to agree with the owner or owners of such land or structure for the purchase thereof, the same may be taken for the purpose aforesaid, in the same manner and subject to the same conditions and proceedings as are or may be prescribed by law for condemning and taking lands for the purpose of extending, widening, laying out or opening streets in said city.

Upon the purchase or acquisition of any land or structure as aforesaid, the said Board of Port Wardens shall cause such land or structure, within a reasonable time thereafter, to be dredged, removed, or taken away, and any sum of money which may be agreed upon as the value of such land or structure, or assessed as damages by reason of the taking of the same as aforesaid, as well as the cost of dredging, removing, or taking away such land or structure as aforesaid, shall be included in the next annual estimates and appropriations of the said council to be made thereafter; *provided* that the whole amount appropriated by the said council in any one year for the payment of land or structures, purchased or condemned, and for the cost of dredging, removing, or taking away such land or structure as aforesaid, shall not exceed the sum of fifteen thousand dollars, and that the said council shall have power to borrow such sum or any part thereof, on note or bond, if necessary, in anticipation of said annual estimates and appropriations. When by proceedings under this section it shall become necessary to establish any new wharf-line or lines, the said Board of Port Wardens shall have power and authority to establish such new line or lines, and upon the acquisition or condemnation of any land or structure by such proceedings, and the establishment by said Port Wardens of such new line or lines, it shall be the duty of the said Port Wardens to make return, in duplicate, of their proceedings in the establishment of such new line or lines, under their hands or the hands of a majority of them,

OF THE CITY OF WILMINGTON.

to the said council, with duplicate plots, showing, distinctly, such new line or lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same, and said returns and plots shall be filed, preserved and recorded as provided in Section four of this act in reference to the returns of the aforesaid commissioners, and the said duplicate returns and plots respectively, and the records thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes. The compensation of the said Chief Engineer, or such other engineer or surveyor as may be employed by said Board of Port Wardens in execution of their duties under this section, shall be fixed by said board, and provision for the payment of the same, as well as for the other necessary expenses of said board in the performance of their duties under this act, shall be made by said council.

Duplicate plots and returns.

Evidence.

Compensation of surveyor.

SECTION 19. The said Council of Wilmington shall, at its second stated meeting in July next, and annually thereafter, elect a Harbor-Master, who shall be nominated by the said Board of Port Wardens. Before entering upon the duties of his office he shall be sworn or affirmed faithfully and impartially to perform the same. He shall be the executive officer of said Board of Port Wardens. It shall be his duty to enforce and superintend the execution of all laws of this State and all ordinances of the City of Wilmington, and all rules and regulations of said Board of Port Wardens in relation to the docks, wharves and harbor of the said city and the waters of the said rivers within the limits aforesaid, and in relation to the regulating and stationing ships and vessels in the tideway of said rivers or at the docks and wharves within the limits aforesaid, and all other rules and regulations of said Board of Port Wardens. It shall also be his duty to enforce any and all orders of said board touching the abatement or removal of obstructions or public nuisances under the provisions of this act in the waters of the said rivers within the limits aforesaid. For the purposes aforesaid the said harbor-master shall, within the limits aforesaid, have all the power and authority of a county constable or police constable of said city, and he shall have the right to call to his assistance, in discharge of his duties, the sheriff or any constable of New Castle County, or any police officer of said city. If any master or captain of any ship or vessel shall refuse or neglect to comply with the directions of the said harbor-master in matters within the jurisdiction of his office, or if

Election of harbor-master.

Oath.

Duties.

Powers.

Interference with duties of harbor-master misdemeanor.

OF THE CITY OF WILMINGTON.

any person whosoever shall obstruct or prevent the said harbor-master in the execution of his duties, such master, captain, or other person, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty dollars nor more than five hundred dollars. The said harbor-master shall be paid by the Council of Wilmington such salary as they, by ordinance, may determine.

Salary.

Penalties,
how recovered.

SECTION 20. All fines and penalties imposed by this act, or by any rule or regulation of the said Board of Port Wardens, shall be recovered in the name of the State of Delaware, and shall be for the use of the Mayor and Council of Wilmington.

Jurisdiction.

SECTION 21. All violations of the rules and regulations of the said Board of Port Wardens shall be within the criminal jurisdiction of any municipal court that has been or may be established by law for the City of Wilmington, and such court may impose any fine or penalty prescribed for the violation of such rule or regulation not exceeding the sum of twenty dollars.

SECTION 22. All laws and parts of laws inconsistent with this act are hereby repealed, and the power of revocation of this act by the Legislature is hereby reserved.

Passed at Dover, April 18, 1883.

Amended March 27, 1885.

CHAPTER 589.

OF THE CITY OF WILMINGTON.

Section 134,
Chapter 207
amended.

AN ACT to amend the act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington."

Preamble.

WHEREAS under the provisions of an ordinance of the City of Wilmington private drains and sewers may and have been placed under the streets and highways of said city by private individuals; and whereas associations of such private individuals so placing such private drains and sewers under such highways and streets have been and now seek to become incorporated by act of Assembly; and whereas by such incor-

OF THE CITY OF WILMINGTON.

poration rights and powers are given which are detrimental to that general control of the sewerage system and its proper regulation by the council, which, both now and in the future are essential to the best sanitary interests of the city; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. That Section 134 of Chapter 207, Vol. 17 of the Laws of Delaware, entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," be and the same is hereby amended by adding thereto the words following: "The jurisdiction and control of the council, as hereinabove set forth, shall extend to and include any and all private drains and sewers laid or to be laid under any of the streets, lanes, or highways of the City of Wilmington, whether by individuals or corporations now or that may hereafter be existing, the rights, powers, privileges and franchises of which shall be subject to the provisions and regulations in this section contained and of any ordinances of said council passed in conformity thereto; and the council may, if in their judgment advisable, authorize and empower any corporation or association of individuals to drain and sewer said City of Wilmington, granting for that purpose such rights, franchises, privileges, emoluments and compensation as shall be proper, and may pass ordinances confirming and regulating the same."

City drain-
age.
Regulation.

Powers of
council.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 8, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 590.

OF THE CITY OF WILMINGTON.

AN ACT in relation to Twelfth Street in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

No author-
ity to open
Twelfth
street be-
tween cer-
tain points.

SECTION 1. That it shall not be lawful for the Mayor and Council of Wilmington to open, by condemnation process, or otherwise, Twelfth street between the westerly side of Jackson street and the easterly side of Clayton street, and any rights which the said the Mayor and Council of Wilmington may have in Twelfth street, between the above points, for street purposes, are hereby extinguished and vacated.

Passed at Dover, April 8, 1885.

CHAPTER 591.

OF THE CITY OF WILMINGTON.

AN ACT to further amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Section 65,
Chapter 207
current
volume,
amended.

SECTION 1. That Section 65 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby amended by striking out and making null and void all of said section after the word "estimates," in the eleventh line of said section, as the same appears in Volume XVII of the Delaware Laws, and inserting in lieu thereof the following, to wit: "The expenditures for the year, under any head or item of appropriation, shall not

OF THE CITY OF WILMINGTON.

exceed such head or item of appropriation, and, upon any such item or head of appropriation becoming exhausted, then all expenditures under such head or item shall cease; and it shall not be lawful to pass any ordinance or resolution to transfer to said exhausted item or head of appropriation from any other item or head of appropriation, except such transfer be first approved by the Finance Committee and ordered by two-thirds vote of the council, nor shall it be lawful, at any time, to charge bills belonging to one item or head of appropriation to any other item or head of appropriation. *Provided, however,* that should some extraordinary occasion occur, not anticipated at the passage of the general appropriation ordinance, and further provision be required in addition to the appropriation to be made at the last stated meeting in May as aforesaid, an ordinance may be introduced making such further provision and setting forth the extraordinary occasion for the same. Such ordinance shall, after having had two readings, be referred to the Finance Committee, who shall report on the same at the next stated meeting. Should such ordinance receive, indorsed upon it, the approval of Finance Committee, or a majority of said committee, then such ordinance shall be immediately put upon its final passage, and such ordinance shall not pass unless the same shall receive a two-thirds vote of all the members of the council, which vote shall be taken by yeas and nays, and shall be entered upon the journal.

Annual expenditures limited.

Certain charges of appropriations improper.

Proviso.

Extraordinary appropriations.

Approval of ordinance by finance committee.

Two-thirds vote.

Passed at Dover, April 9, 1885.

CHAPTER 592.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow certain sums of money and to provide for the re-payment thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof, herein concurring):

SECTION 1. That "The Mayor and Council of Wilmington" is hereby authorized, under an ordinance of the council duly passed, to borrow, upon the faith and credit of the City

Authorized to borrow \$70,000.

OF THE CITY OF WILMINGTON.

of Wilmington, the sum of seventy thousand dollars, the repayment of which sum, together with such interest as may be due thereon, to be made as hereinafter provided.

Secured by
certificates
of indebted-
ness.

Redeem-
able.

SECTION 2. The sum of money hereinbefore authorized to be borrowed shall be secured by the issuance of certificates of indebtedness in the name of the said "The Mayor and Council of Wilmington," to the amount of seventy thousand dollars, which said certificates of indebtedness, together with any interest which may be due thereon, shall be redeemable as follows, to wit: Twenty thousand dollars thereof on or before the first day of August, A. D. 1885; twenty-five thousand dollars thereof on or before the first day of August, A. D. 1886, and twenty-five thousand dollars thereof the first day of August, A. D. 1887.

Passed at Dover, April 9, 1885.

CHAPTER 593.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes," passed at Dover, April 18th, A. D. 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Section 10
repealed.

SECTION 1. That Section 10 of an act entitled "An act to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes," passed at Dover, April 18th, 1883, be and the same is hereby repealed, and the City of Wilmington is hereby discharged from any indebtedness to the board of water commissioners arising under said section on and after the first day of January, A. D. 1886.

SECTION 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Passed at Dover, April 9, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 594.

OF THE CITY OF WILMINGTON.

A SUPPLEMENT to an act entitled "An act to provide for Public Parks for the use of the citizens of Wilmington and its vicinity," passed March 13th, 1883. Supplement to Chapter 204, current volume.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That in addition to the powers conferred by the act to which this is a supplement, the Mayor and Council of Wilmington, upon the recommendation of two-thirds of the Board of Park Commissioners, are hereby authorized to borrow, upon bonds, such sum or sums and upon such terms as the City Council may from time to time deem expedient, not to exceed, in the aggregate, the sum of one hundred and fifty thousand dollars, to be used in the purchase or acquisition, in the manner authorized by the act to which this is a supplement, of land for a park, or parks, for the benefit of the citizens of Wilmington and its vicinity. Authorized to borrow not exceeding \$150,000 for purchase of land.

Passed at Dover, April 10, 1885.

CHAPTER 595.

OF THE CITY OF WILMINGTON.

AN ACT to further amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each house concurring): Section 1, Chapter 207 current volume, amended.

SECTION 1. That the boundaries of the City of Wilmington be further extended as follows, namely: By a line beginning at the point where the southerly side of Front street intersects the westerly boundary of the city; thence north Extension of boundaries.

OF THE CITY OF WILMINGTON.

58° west two thousand one hundred and ninety-seven (2197) feet, more or less, along said southerly side of Front street extended to a point where the easterly side of Greenhill avenue intersects the said side of Front street extended; thence north 32° east along said side of said Greenhill avenue and parallel to Union street three thousand eight hundred and twenty-eight (3828) feet and one (1) inch, more or less, to the southerly side of Twelfth street extended; thence south 58° east along said side of Twelfth street extended two thousand one hundred and ninety-seven (2197) feet to the point where the said side of Twelfth street intersects the westerly boundary line of the city; and thence southerly along said westerly boundary line of the city three thousand eight hundred and twenty-eight (3828) feet to the point where the said southerly side of Front street intersects the said westerly boundary line of the city aforesaid. All that portion of the annexed territory lying between the northerly side of Front street and the center of Sixth street, shall be included in and form a part of the Tenth Ward, and be portions of the Twenty-fourth and Twenty-fifth Election Districts respectively, as they lay north or south of Second street. All that portion of the annexed territory included between the center of Sixth and Ninth streets shall form a portion of the Fifth Ward, and be a part of the Twelfth Election District. All the rest of the annexed territory shall form a part of the Seventh Ward, and be included in the Eighteenth Election District.

Corporate
powers.

SECTION 2. Within the limits of the territory by this act included within and made part of the City of Wilmington, the Mayor and Council of Wilmington shall be and is hereby vested with all the powers, rights, privileges and immunities which by law appertain and belong to it as a municipal corporation, and all the laws or ordinances and regulations in force within the limits of the City of Wilmington, as heretofore existing, not modified or repealed by any of the provisions of this act, or which are not locally inapplicable, shall be extended and applied to the territory comprised within the limits set forth in this act.

Duty of
assessors in
2d and 3d
assessment
districts.

Proviso.

SECTION 3. The city assessors of the Second and Third assessment districts of the city shall, as soon as may be after the passage of this act, assess all the real estate by this act added to and included within the said city of Wilmington; *provided, however,* that such real estate so assessed shall, for

OF THE CITY OF WILMINGTON.

the space of five years from and after the passage of this act, be subject to taxation for municipal purposes at the rate of only one-eighth of the regular tax rate generally levied and laid upon real estate in other portions of the city, and for the following five years thereafter at the rate of one-fourth of the regular tax rate generally levied and laid upon real estate in other portions of the said city. The said assessors shall rate for poll and school taxes, persons residing in or owning property within the said limits in the same manner, at the same rate, and subject to the same rules, rights and regulations which prevail generally within the City of Wilmington.

Passed at Dover, April 10, 1885.

CHAPTER 596.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):

SECTION 1. That Section 138 of the act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby amended by striking out the words "executive officers of the Board of Health" wherever they occur in said section, and inserting in lieu thereof the words "Street Commissioners."

Passed at Dover, April 13, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 597.

OF THE CITY OF WILMINGTON.

AN ACT to vacate a portion of Reed Street in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of of each branch thereof herein concurring):

Street
vacated.

SECTION 1. That all that portion of Reed street in the City of Wilmington, from the easterly side of Maryland avenue to the westerly side of Madison street, and extending in width from the northerly building line of said Reed street to within four feet from the northerly curb line of said street, be and the same is hereby vacated.

Passed at Dover, April 14, 1885.

CHAPTER 598.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 47,
Chapter 207
current
volume
amended.

SECTION 1. That Section 47 of the act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13th, 1883, be and the same is hereby amended by striking out in the 19th and 20th lines thereof the words following, to wit: "Member of Board of Assessment, Revision and Appeals—Three hundred dollars."

SECTION 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 14, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 599.

OF THE CITY OF WILMINGTON.

AN ACT to exempt certain Lands from Taxation in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the provisions of an act entitled "An act to exempt from taxation certain real estate in the City of Wilmington," passed at Dover, March 3, 1881, and the provisions of an act limiting exemptions from taxation, passed at Dover, April 13, 1883, shall apply to that part of the land bounded by Fourteenth street on the north, Bowers street on the east, the north bank of the Brandywine on the south, and Railroad avenue on the west; and that so much of the land as is below the grade of the said city and subject to the overflow of the tides shall be subject to taxation as are the adjoining low lands; and that such improvements as may hereafter be built upon the lands within said limits shall be exempt from taxation for a period of ten years thereafter, precisely as is prescribed in the hereinbefore named acts of the General Assembly of this State.

Certain lands and improvements exempt from taxation for ten years.

Passed at Dover, April 14, 1885.

CHAPTER 600.

OF THE CITY OF WILMINGTON.

A SUPPLEMENT to "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. That the Council of Wilmington be and the same is hereby authorized to establish, within the city aforesaid, public curbstone markets upon such streets as the

Authorized to establish curbstone markets.

OF THE CITY OF WILMINGTON.

Who may
occupy.
Purposes.

said council may in its discretion deem proper, such curbstone markets to be occupied solely by farmers and truckers, whose principal business is the raising of farm productions or truck, and by none others. Such curbstone markets shall be used by such farmers or truckers exclusively for the sale of fruit, vegetables, fowls and other farm products, and meats raised or fed as hereinafter provided on land occupied by such farmers or truckers, either as owners, lessees or farmers upon the share. The said council shall have the power to prescribe the times of the holding of the said markets, and to provide for the general regulation of the same agreeably to the provisions of this act of General Assembly. Such curbstone markets shall be known as the farmers and truckers' curbstone markets. The public curbstone markets now existing on King and Madison streets, in the said City of Wilmington, shall be deemed and taken to be farmers and truckers' curbstone markets for all the purposes of this act.

Powers of
council.

Known as
farmers and
truckers'
markets.

Council
may allot
spaces for
markets.

Extent,

Numbered,
how.
Plan.

Filed with
clerk of
council.

SECTION 2. That it shall be the duty of the said council, during the month of April, A. D. 1885, to lay off and allot spaces on either or both sides of the streets now used or hereafter to be used for farmers' and truckers curbstone markets in the said city; such spaces shall not exceed eight feet, nor be less than six feet in length, and shall be marked and numbered on the top of the curb, and when such spaces shall have been so laid off and numbered, a plan thereof shall be made and filed with the Clerk of the Council, and the same shall be a public record.

Spaces used
upon follow-
ing condi-
tions.

SECTION 3. From and after the 30th day of April, A. D. 1885, the said spaces shall not be used for market purposes until the following conditions are complied with, viz: The person desiring to occupy any such spaces shall apply to the clerk of the market therefor, and, if the same has not been theretofore awarded, the said clerk shall issue a certificate permitting such person to occupy such space for one year from the first day of May, A. D. 1885, upon the receipt of two dollars for the use of the city, and the further payment of twenty-five cents to the said clerk. The person to whom any such space shall be so allotted shall, in addition, pay to the city clerk, for the use of the owner or owners of the property or properties in front of which such space shall be, the sum of thirty cents, if demanded by said owner or owners, for each and every foot, for the like period of one year, for the space so allotted. When such annual sums shall

OF THE CITY OF WILMINGTON.

have been paid, as hereinbefore prescribed, the person paying the same and receiving the certificate aforesaid shall, subject to all the provisions of this act and to such other rules and regulations as the said council under this act may prescribe, be entitled to the free use of such space for market purposes for the period of one year from the first day of May, A. D. 1885. No person shall have allotted to him upon any street, now or hereafter used as such market, more than two spaces for any one year, and such spaces shall not both be upon the same side of any such street, and the certificate hereinbefore provided to be given shall have plainly expressed upon its face the number of the space or spaces allotted; and spaces not allotted within thirty days after the time specified for such allotments may be let for fractional terms at *pro rata* rates.

Not more than two spaces allowed for one year to one person.

Spaces let for fractional terms.

SECTION 4. It shall be the duty of the clerk of the market to make and keep in a book, to be by the said council provided, an accurate record of all spaces allotted, with the name of the person and the time for which such person is entitled to the use thereof. All the spaces allotted under the provisions of Section 3 of this act, as well as any not theretofore allotted, shall be re-allotted in the manner provided for in the said last mentioned section in the month of April, A. D. 1886, and in like manner annually re-allotted in the said month of April in each and every year thereafter, and the terms for which such allotment shall be made shall be for the term of one year from the thirtieth day of April in each year.

Duty of clerk of markets.

Spaces, when re-allotted.

SECTION 5. That the privilege by this act authorized shall not entitle any farmer or trucker, occupying any such allotted space, to expose for sale in any farmers and truckers' curbstome market, now or hereafter existing within the limits of the City of Wilmington, any slaughtered beef, or pork, or sheep, or lamb, unless the same shall have been raised or fed upon lands occupied by such farmers as owners, lessees, or farmers upon the share for a period of at least ninety days before slaughtering the same, nor shall any such farmer or trucker offer for sale in any such market, any calf or veal meat, except such be the product of his own cows upon lands occupied by him as owner, tenant, or farmer upon the share. Any farmer or trucker who shall sell in any such curbstome market slaughtered beef, or pork, or sheep, or lamb, or calf, or veal meat, other than as in this section pre-

Privileges of occupants.

Sale of slaughtered beef, etc. Conditions.

OF THE CITY OF WILMINGTON.

Violation of regulations.

Penalty.

scribed, or any person, not being a farmer or trucker as described in Section 1 of this act, who shall sell any articles therein, whether of artificial or natural production, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and shall suffer imprisonment for a period not exceeding thirty days or both, at the discretion of the court; one-half the fine in such cases shall go to the City of Wilmington, and one-half to the informer.

Statement under oath.

Oath, where filed.
Certificate.

SECTION 6. Every farmer or trucker having a space or spaces allotted to him as aforesaid in any farmers and truckers' curbstome market, now or hereafter to be established under the provisions of this act, who shall desire to sell slaughtered beef, or pork, or sheep, or lamb, or calf, or veal meat in any such curbstome market in the said City of Wilmington shall, before exposing the same to sale therein, take and subscribe an oath or affirmation before the city clerk of Wilmington, that he is a farmer or trucker, (as the case may be,) and that he will not sell or expose to sale in any farmers and truckers' curbstome market in the City of Wilmington, any slaughtered beef, or pork, or sheep, or lamb, unless the same shall have been raised or fed by him upon lands occupied by him as owner, lessee, or farmer upon the share for a period of at least ninety days before slaughtering the same, nor any calf or veal meat, except such be the product of his own cows upon lands occupied by him as owner, lessee or farmer upon the share, and that he will not, in any one year, expose or offer for sale in any such market more than six head of beef cattle. The said city clerk shall thereupon file such oath or affirmation among the records of his office, and shall issue to such farmer or trucker a certificate of the taking of such oath or affirmation. The said oath or affirmation and the certificate aforesaid shall be entered in a book kept by the city clerk for that purpose. The said oath or affirmation and the certificates so given as aforesaid shall only avail the persons so taking and receiving the same up to the 30th day of April next after the same has been so taken and received.

Farmers and truckers selling without taking the oath.

SECTION 7. Any farmer or trucker otherwise authorized, under the provisions of this act, to sell slaughtered beef, or pork, or sheep, or lamb, or calf, or veal meat, in any farmers and truckers' curbstome market, now or hereafter existing within the City of Wilmington, who shall sell or expose to

OF THE CITY OF WILMINGTON.

sale any such slaughtered beef or pork, or sheep, or lamb, or calf, or veal meat, without having first made the oath or affirmation and obtained the certificate provided for by Section 6 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than twenty dollars, nor more than fifty dollars, one-half of said fine to be paid into the city treasury and one-half to the informer. Any such farmer or trucker who, having taken the oath or affirmation required in Section 6 of this act, shall sell in such farmers and truckers' curbstome market slaughtered beef, or pork, or sheep, or lamb, or calf, or veal meat, other in manner or quantity than as in this act provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine not less than fifty nor more than one hundred dollars, one-half thereof to go to the city treasury and one-half to the informer; and such farmer or trucker so offending shall be deemed to have committed perjury, and upon indictment therefor in the Court of General Sessions of the Peace and Jail Delivery the record of his conviction for the unlawful selling of meats as aforesaid shall be conclusive evidence of his guilt under such indictment.

Misdemeanor.
Fine.

Persons who have taken the oath.
Violation.

Penalty.

Guilt of perjury.

SECTION 8. In addition to the farmers and truckers' curbstome market, heretofore provided for, the said council shall have power to establish and regulate other curbstome markets in the said city, viz: a curbstome market for hucksters, to be occupied solely by persons residing in said city who have taken out of the office of the Clerk of the Peace a retailers' license for selling goods, wares and merchandise, for the purpose of huckstering, and none others; a curbstome market to be used exclusively for the sale of products brought from the State of New Jersey by the producers of such products only, and a curbstome market for the sale of fresh fish. Such markets shall be kept separate and distinct from each other, and from the farmers and truckers' curbstome market. No other curbstome markets other than provided for in this act shall exist within the limits of the City of Wilmington.

Curbstome market for hucksters.

Occupants must have retailers' license.

Sale of New Jersey products.

Fresh fish markets.

SECTION 9. Upon complaint made, under oath, to any justice of the peace, or to the city judge for the City of Wilmington, that an offense has been committed against any of the provisions of this act, a warrant shall issue for the arrest of the person or persons charged with committing the same.

Complaint for violation.

Warrant.

OF THE CITY OF WILMINGTON.

Arrest. Upon the arrest of any person or persons so charged, the justice, or the city judge, before whom he or they be brought, shall try the case as far as to determine whether such person or persons ought to be discharged or bound for his or their appearance at court, and if such justice, or city judge, shall consider there is probable ground for the accusation, he shall bind such person or persons with sufficient surety for his or their appearance at the next Court of General Sessions of the Peace and Jail Delivery for the County of New Castle, and if such person or persons do not give such surety he shall commit him or them for trial.

Trial.
Before
whom.
Appearance
at court.

SECTION 10. This act shall be deemed and taken to be a part of the constitution of the said City of Wilmington.

Passed at Dover, April 15, 1885.

CHAPTER 601.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, A. D. 1883, relating to the Board of Public Education.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Section 144
of Chapter
207 current
volume
amended.

SECTION 1. That Section 144, Chapter 207, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the words and figures "eighty thousand dollars (\$80,000)," in line 23 of said section, and inserting in lieu thereof the words and figures "ninety thousand dollars (\$90,000);" also by striking out the figures "1883-4" in lines 24 and 32 of said section and inserting in lieu thereof the figures "1885-6."

Passed at Dover, April 16, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 602.

OF THE CITY OF WILMINGTON.

AN ACT in relation to Taxation of the Wilmington Institute.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:

SECTION 1. That the Mayor and Council of Wilmington shall, by the city council, after the assessment has been made in each year for city and school purposes, levy and collect from the corporation known as "The Wilmington Institute" taxes for both city and school purposes, on the building known as the Wilmington Institute, situated on Eighth street, between Market and Shipley streets in said city, in full of all taxes, at a rate not exceeding one-half of the annual tax rate of said city.

Tax rate
not to ex-
ceed one-
half of the
city tax.

SECTION 2. *Be it further enacted,* That this act shall take effect from the date of its passage, and continue in force so long as the Wilmington Institute shall own and occupy the said building and devote the income thereof to educational and library purposes and no longer.

Passed at Dover, April 16, 1885.

CHAPTER 603.

OF THE CITY OF WILMINGTON.

AN ACT to amend Section 80 of an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Section 80 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, be and the

Section 80
of Chapter
207 current
volume
amended.

OF THE CITY OF WILMINGTON.

same is hereby amended by striking out the words "two thousand" in said section and inserting in lieu thereof the words "three thousand."

SECTION 2. That all acts and parts of acts inconsistent with this act be and the same is hereby repealed.

Passed at Dover, April 16, 1885.

CHAPTER 604.

OF THE CITY OF WILMINGTON.

AN ACT to further amend "An act to Provide for a Sinking Fund for the Payment of the City Debt of Wilmington," passed at Dover, February 9, 1855.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Chapter 181,
Volume 21,
amended.

SECTION 1. That hereafter the commissioners of the sinking fund of the City of Wilmington, in causing the issue of sinking fund bonds, under the provisions of an act to provide for a sinking fund for the payment of the city debt of Wilmington, passed at Dover, February 9, 1855, and the various supplements and amendments thereto, may fix the interest which such bonds shall bear at any rate not exceeding six per cent.

Passed at Dover, April 16, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 605

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 207, Volume 17, Laws of Delaware, entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Sections 73, 74 and 75 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, A. D. 1883, be and the same are hereby stricken out and repealed, and the following substituted in lieu thereof, to wit: Sections 73, 74 and 75 repealed.

"SECTION 73. The President of the Council, the Chairman of the Finance Committee of the said council, together with the two Assessors and Collectors for the City of Wilmington, shall constitute the Board of Assessment, Revision and Appeals for the City of Wilmington. *Provided, however,* that when, as hereinafter provided, it shall be the duty of the said board to sit for the purpose of hearing appeals from assessments, or for the revising of the same, it shall only be competent for the assessor and collector for the assessment district wherein such appeals are being made and adjudged, or such revision being performed, to sit as a member of the said board." Section 73 substituted.
Board of assessment.
Proviso.

SECTION 2. That Section 82 of the act aforesaid be and the same is hereby amended by striking out of said section all between the words "Section 82," at the beginning thereof, and the word "upon" in the fifth line thereof, as the same appears printed in the 17th Volume of Delaware Laws, and inserting in lieu thereof the following, to wit: "The Board of Assessment, Revision and Appeals for the City of Wilmington, as constituted in Section 73 preceding, shall sit at some public and convenient place in the City of Wilmington on each secular day during the month of February in each and every year from 2 P. M. to 4 P. M., and from 7 P. M. to 9 P. M. The said board shall sit as provided in Section 73 preceding to hear appeals from assessments, and shall continue to sit during the above-mentioned time, or for so long as may be necessary to adjudge appeals." Section 82 amended.
Meeting of board of assessment, when and where.

OF THE CITY OF WILMINGTON.

Section 95
amended.

SECTION 3. That Section 95 of the act aforesaid be and the same is hereby stricken out and repealed, and the following substituted in lieu thereof:

Salaries.

"SECTION 95. The salaries and compensation of the said assessors and collectors shall be as follows, viz: They shall be paid five hundred dollars (\$500) each for making the assessment and for making collections during the months of July and August in each year; fifty dollars (\$50) each for their services as members of the Board of Assessment, Revision and Appeals, and six per cent. upon the amounts collected by them on and after the first day of September in each and every year. The said salaries or compensations shall be paid upon warrants authorized by the said council to be drawn on the treasury of the said city."

Section 99
amended.

SECTION 4. That Section 99 of the act aforesaid be and the same is hereby amended by striking out all after the word "shall," in the fifth line of said section, as the same appears printed in the Seventeenth Volume of Delaware Laws, and insert in lieu thereof the words "enjoin upon the assessors and collectors for the City of Wilmington the mode and manner of assessing and collecting the same."

Section 47
amended.

SECTION 5. That Section 47 of the act aforesaid be and the same is hereby amended by striking out the words: "Member of Board of Assessment, Revision and Appeals—Three hundred dollars (\$300)," and inserting in lieu thereof the following, to wit: "The President of the Council and chairman of the Finance Committee, each fifty dollars (\$50) for their services as members of the Board of Assessment, Revision and Appeals."

Compensation.

Passed at Dover, April 17, 1885.

OF THE CITY OF WILMINGTON.

CHAPTER 606.

OF THE CITY OF WILMINGTON.

AN ACT to further amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. The Judge of the Municipal Court for the City of Wilmington shall have and may exercise all the powers and jurisdiction of a justice of the peace in criminal cases for New Castle county, and shall have and may exercise concurrent jurisdiction and powers with the municipal court for the City of Wilmington of all prosecutions for breach of any ordinance, law, rule and regulation of the City of Wilmington, and warrants for the arrest of the offenders thereof may be issued. For this purpose he shall open court each morning, (Sundays excepted,) and in the evening, (Sunday excepted) on notification by the clerk of the court, or on the information by the high constable, that there is business for the disposal of the court, and hear and dispose of in a summary way all such offenses and cases of breaches which shall be brought before him by the police officers of the said city or otherwise, either with or without process, and impose the fines and penalties provided by law, ordinance, rule or regulation. At the daily session of the said municipal court shall be presented for disposal by the judge, according to law, all persons who have been arrested or confined in the city cells or other lock-up of said city, either with or without warrant, and for this purpose it shall be the duty of the high constable of said city to cause all such persons to be brought before the judge of said municipal court for hearing or trial as aforesaid. It shall also be the duty of the said high constable, or person acting for him, to personally attend and be present at all such hearings and sessions of the municipal court, to have ready and present to the clerk thereof at each daily session a list of the cases coming before the judge, and the names of the persons to be tried, the offense charged, and the names of the witnesses.

Jurisdiction
of Judge of
municipal
court.

Held
morning and
evenings,
when.

Duties
of judge.

Duty of high
constable.

SECTION 2. The high constable of said city shall be the officer of said court. Process may be directed to the said high constable or to any city constable of said city, or to any

High
constable
officer of
said court.

OF THE CITY OF WILMINGTON.

constable of New Castle county in said city. It shall be the duty of the high constable, and of any city or county constable as aforesaid to whom any order, writ, or other process may be issued out of said Municipal Court or by the judge thereof, to properly execute the same, and failure so to do, and any failure to obey the lawful commands of said court, or to perform any duty by law or ordinance of said city imposed, relating to or in connection with said court or municipal judge, may be punishable as a contempt of said court, and in case of the high constable, or other city constable of said city, he may be suspended from his office for a period of not exceeding thirty days, in the discretion of said judge, during which time he shall receive no pay or compensation from said city; in such case the clerk of said court shall certify to the City Auditor and City Treasurer the name of such officer so suspended, and the time and period of his suspension.

When associate judge may act.

SECTION 3. In case of the sickness, absence, interest in the cause or proceeding, or other inability of the City Judge, the Associate Judge of the Superior Court, resident in New Castle county, may either perform the duties of the said City Judge, or designate in writing some suitable person to discharge such duties, whose acts shall be of the same force and effect as if performed by the said City Judge; and the clerk shall make a like record of his proceedings. In case of the sickness, absence or other inability of the clerk of the court, he may appoint a deputy clerk, who may perform the clerk's duties in his absence. The appointment shall be in writing, shall be subject to the approval of the judge, and shall be filed in said court. The said clerk, or his deputy, may administer all necessary oaths; he shall enter the judgments, issue commitments and executions to enforce the same, and make up and keep the records of the court in all cases therein under the direction of the judge. He, or his deputy, shall issue all process under his hand and the seal of the court or the City Judge, and test the same in the name of the judge, signing it by his title of office, and shall tax cost. The clerk, or his deputy, may issue warrants upon complaint filed in writing, and upon oath, in all cases to be returnable before the judge of the municipal court. The clerk, or his deputy, may take bail from persons arrested when the court is not in session, subject to revision by the court, and shall also, under like direction of the judge, do all other acts necessary to carry out the jurisdiction of said court.

Deputy clerk, when appointed.

Powers of clerk.

Process, how issued. Seal of court.

Further powers of clerk.

Bail, when taken by clerk.

OF THE CITY OF WILMINGTON.

SECTION 4. The salary of the clerk shall be not less than ^{Salary.} 720 dollars per annum.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 17, 1885.

CHAPTER 607.

OF THE CITY OF WILMINGTON.

AN ACT to further amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. That Section 47 of an act to revise and consolidate the statutes relating to the City of Wilmington, passed at Dover, April 13, A. D. 1883, be and the same is hereby amended by adding to said section the words following, to wit: "Whenever the duties imposed on any city official are such as to make it necessary, the council shall provide for such city official a proper place or office wherein such duties may be performed, and shall provide for the necessary maintenance of such place or office." ^{Section 47 of Chapter 207 current volume amended. Office or place of business provided by council.}

SECTION 2. That Section 91 of the act aforesaid be and the same is hereby amended by inserting between the words "sold" and "if," in the fifty-sixth line of said section, the words following, to wit: "and the said Superior Court shall have power to make all necessary orders and rules and to issue all process which may be necessary to place the said purchaser in possession of the said real estate." ^{Section 91 amended. Jurisdiction of superior court.}

SECTION 3. That Section 50 of the act aforesaid be and the same is hereby amended by striking out of said section the word "Lombard," where the same appears in said section, and inserting in lieu thereof the word "Poplar." ^{Section 50 amended.}

SECTION 4. That Section 119 of the act aforesaid be and the same is hereby amended by adding at the end of said ^{Section 119 amended.}

OF CORPORATIONS.

Jurisdiction
of superior
court.

section the words following, to wit: "The Superior [Court] shall have power, whenever any purchaser is wrongfully denied the possession of any grounds or buildings purchased by him at any sale made under the provisions of this section, to make all necessary orders and rules and to issue any process which may be necessary to place such purchaser in possession of the grounds and buildings so as aforesaid purchased by him."

Passed at Dover, April 17, 1885.

CHAPTER 608.

OF CORPORATIONS.

AN ACT to re-enact and amend the act entitled "An act to incorporate the Wilmington and Brandywine Passenger Railway Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Chapter 172,
Volume 17,
re-enacted.

SECTION 1. That the act entitled "An act to incorporate the Wilmington and Brandywine Passenger Railroad Company," passed at Dover, April 11, 1883, be and the same is hereby re-enacted, and the corporation thereby created shall have succession and all the rights, privileges and franchises thereby granted for the term of twenty years from the passage of this act; *provided* that the said company shall commence and complete a portion of the contemplated road within twenty months from the passage of this act.

Additional
corporators.

SECTION 2. That Section one of said act be and the same is hereby amended by inserting the following names as additional incorporators, viz: William M. Canby, Joseph Tatnal, Jr., Charles G. Rumford and Edward Betts.

Passed at Dover, April 9, 1885.

OF CORPORATIONS.

CHAPTER 609.

OF CORPORATIONS.

AN ACT supplemental to an act entitled "A supplement to an act to incorporate the purchasers of the Wilmington and Western Railroad," passed at Dover, March 1, 1881, Laws of Delaware, Volume 16, Chapter 454.

WHEREAS the Baltimore and Philadelphia Railroad Company is the corporation which has succeeded to all the rights, privileges, powers and franchises of the Delaware Western Railroad Company under the various acts by which said rights, powers, privileges and franchises have been granted to said Delaware Western Railroad Company and its predecessors; and whereas by Section 13 of an act entitled "An act to incorporate the Delaware and Chester County Railroad Company," passed February 5, 1867, Delaware Laws, Volume 13, Chapter 185, certain powers for the entering in and upon and occupancy and condemnation of lands for the purpose of making its railroad or railroads were granted unto the said Delaware and Chester County Railroad Company, of which said powers, privileges, rights and franchises the said Baltimore and Philadelphia Railroad Company is the successor;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring):

SECTION 1. That when it shall be necessary for the Baltimore and Philadelphia Railroad Company to exercise any of the powers of condemnation of lands or other property, for the railroad or any of its branches, the commissioners appointed, as provided in said Section 13 of said act to incorporate the Delaware and Chester County Railroad Company, shall give five days notice of the time and place when and where the said commissioners shall go upon the land and assess the damages to the owners thereof. The method of giving said notice shall be as follows: By service thereof either upon the owner or occupant of said lands, and if the said lands are unoccupied, then said notice shall be posted upon the premises, and the posting thereof shall have all the

Service of
notice on
land owners.

OF CORPORATIONS.

legal effects of a personal service upon the owner or owners of said lands or other property.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1885.

CHAPTER 610.

OF CORPORATIONS.

Chapter 592,
Volume 11.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Duck Creek Improvement Company," passed at Dover, February 15, 1859.

Preamble.

WHEREAS, pursuant to the provisions of Section 2 of the act to which this is a supplement, the necessary embankments were in due manner located and laid out, and have ever since been maintained according to such location, and whereas it is now deemed advisable in part to change and alter the location of the said embankments, and also to alter and change the limits of the said company so as to exclude from taxation therein certain lands with reference to which taxes are now assessed and collected; and whereas to effect such alteration and change further legislation is rendered necessary; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring) as follows:

Authorized
to change
location of
banks.

SECTION 1. That it shall and may be lawful for "The Duck Creek Improvement Company" to change and alter in part the location of its present embankment in manner following, to wit: Beginning in the line of the present embankment (being the lower bank of the said company) on the south side of the stopping in Old Duck Creek, and about two hundred feet therefrom, (being the point where a return bank commences), and running thence north forty-five degrees (45°) west three thousand and five hundred feet (3,500) to a stake in the marsh about eighty feet (80) distant from said creek; thence north fifty-one-and-a-half degrees (51½°) west one thousand and seventy-five feet (1,075) to the south

OF CORPORATIONS.

bank of the Dutch Neck Canal; thence south seventy-one-and-a-half degrees ($71\frac{1}{2}^{\circ}$) west nineteen hundred and fifteen feet (1,915) along the side of a twenty foot road which lies between this line and the south bank of the said Dutch Neck Canal to a stake at a bend in said canal; thence north eighty-five-and-a-half degrees ($85\frac{1}{2}^{\circ}$) west nine hundred and twenty-two feet (922) to a stake corner for marsh conveyed by Robert Rawley to Robert R. Robinson and others; and that the said company may abandon and remove so much of its present line of embankment as extends from the beginning point herein specified to White Hall, and further, that the territorial limits of the said company be and they are hereby so modified, altered and changed as to include only so much of the territory originally embraced within the limits of the said company as is contained within the following lines, to wit: Beginning at a point on the Bay Shore, where the present southern line of embankment if extended would strike the same, and running thence following the said line of embankment to the point where the new line of embankment hereby authorized begins, and thence following such new line of embankment as is hereby authorized to its terminus, and thence following the line of lands of John Rawley, of Robert Rawley, of John Mustard, and of the heirs of Alexander Peterson, as the said outlines have [been] recently fixed and established by sundry conveyances, to Quarter Gut; thence following the original limits of the said company to Duck Creek, or Smyrna Creek, thence following the course thereof to the shore of the Delaware Bay, and thence with said bay shore to the place of beginning; and that all the marshes and low grounds contained within the outlines hereinbefore mentioned, which have heretofore been within the limits of said company, and subject to taxation therein, shall hereafter constitute the only lands subject to the supervision of the said company and to taxation thereby, and that all the lands heretofore embraced within the limits of the said company and not included within the lines hereinbefore mentioned shall hereafter be wholly excluded from the supervision of the said company, and shall not be subject to taxation therein.

Provision as
to liability of
company.

SECTION 2. That the alteration of the territorial limits of the said company hereby authorized shall not in any manner impair or affect the appraisement and valuation heretofore made under the authority of the act to which this is a supplement, and which said valuation and appraise-

Not to
affect pres-
ent valua-
tion.

OF CORPORATIONS.

Settlement
of disputes.

ment constitutes the basis of taxation, but that said valuation and appraisalment as to all the lands within the limits of said company, as by this act defined, shall continue unimpaired and in full force, and shall constitute the basis of assessment of all taxes hereafter to be assessed and levied by the said company as fully and completely to all intents and purposes as if a new valuation and appraisalment had been authorized and made by this act. In case there shall be any dispute between any owner and the said company respecting the number of acres of marsh and low land belonging to such owner, arising out of the change in the limits of said company authorized by this act, the said company shall cause a survey to be made of such owners marsh and low ground, by a competent surveyor, who shall ascertain [the] quantity thereof and certify the same to the said company; and for all purposes of taxation such survey shall be final and conclusive.

Further
powers for
the collection
of taxes.

SECTION 3. That in addition to the powers now existing for the collection of the taxes assessed by the said company, it shall be lawful for the treasurer of the said company for for the time being to distrain upon and sell, at public vendue, upon ten days' notice, any personal property of the taxable found within the said company's limits; and this remedy shall be first resorted to before selling the marshes or low grounds of the taxable, as now authorized; *provided* that nothing in this section shall be so construed as to tax or apply to the property of renters or tenants of the real estate owners prescribed within the limits of this act.

Powers of
managers.

SECTION 4. That the managers of the said company for the time being shall have full power and authority to provide for the maintenance of proper line ditches between adjoining owners within the said company's limits, and in case of the failure of such owners to keep such ditches properly cleaned it shall be lawful for the said managers to have the same cleaned and to apportion the expense thereof equitably between such adjoining owners; and in case any such owners shall fail or refuse, for the space of twenty days, to pay such apportionment to the treasurer of the said company, it shall be lawful for the said treasurer to enforce the collection thereof in the same manner as is now provided by law and this act for the collection of taxes, and the said treasurer shall have like powers for the collection thereof.

Passed at Dover, February 19, 1885.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 611.

OF HUSBAND AND WIFE.

AN ACT to amend Section 1 of Chapter 80 of Volume 14 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That Section 1 of Chapter 80 of Volume 14 of the Laws of Delaware be and the same is hereby amended by inserting the words: "or for the redress of her personal wrongs, torts, or private injuries," after the words "incurred to her" and before the words "for her indebtedness," in the 12th line of said section thereof.

Section 1,
Chapter 80,
Volume 14,
amended.

Passed at Dover, April 16, 1885.

CHAPTER 612.

OF PARENTS AND CHILDREN.

AN ACT in reference to the Adoption of Children.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That any person, or any husband and wife jointly desiring to adopt any child or children, or any young person or persons, shall make application, in writing, to the Orphans' Court of the county wherein he, she, or they reside, stating that they desire to adopt such child, children, or young person or persons, giving its or their ages as near as may [be], its or their sex, and that he, she, or they are willing to adopt said child, children, or young person or persons,

Application
to Orphans'
Court.

Contents.

OF PARENTS AND CHILDREN.

and treat it in all respects as if of their own issue or blood, said application being duly signed by the applicant or applicants.

Affidavit of applicant.

Certificate of two citizens as to character of applicant.

SECTION 2. That such applicant or applicants shall make affidavit that such child, children, or young person or persons came, or is about to come into his, her, or their possession lawfully and with the consent of whoever (or whatever institution in case of a corporation,) had the legal custody of said child, children, or young person or persons, and two respectable citizens of their county shall indorse upon said affidavit, or append thereto, a certificate that they are personally acquainted with the applicant or applicants desiring to adopt the said child, children, or young person or persons, and that they are of good moral character and fit to be entrusted with the maintaining and proper education of the said child, children, or young person or persons, and for making reasonable provision for the future usefulness and happiness in life of any child, children, or young person or persons that may be placed in his, her, or their charge.

Decree of court. Certificate of adoption.

Clerk of the court shall file decrees, &c.

Entered of record.

SECTION 3. Upon compliance with the above requirements, the Orphans' Court of the county in which the application is filed shall, in its discretion, render a decree ordering the issuance of a certificate of adoption to the applicant or applicants, stating the sex, age as near as may be, and the name by which the child adopted shall thereafter be known, and that henceforth and forever all the duties, rights, privileges and obligations recognized by law between parent and child shall exist between the applicant or applicants and the child, children, or young person or persons so adopted as fully and to all intents and purposes, as if the said child, children, or young person or persons were the lawful and natural offspring or issue of the person or persons making the application for his, her, or their adoption. The clerk of the court in which such application may be made and such decrees pronounced, shall file the applications, affidavits and certificates in some proper place, and shall record in a record book to be kept for that purpose all the proceedings in such case, together with the decrees of the court, which record shall be evidence.

Costs, how taxed.

SECTION 4. The costs in such cases shall be taxed by the court on the person or persons making the application, and they shall pay the same to the clerk of the court.

Passed at Dover, April 10, 1885.

TITLE TWELFTH.

Of Titles to Real Estate.

CHAPTER 613.

OF ALIENS.

AN ACT in relation to the Estate of Aliens, and to complete their Title to the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments within the State, made before the first day of January, A. D. 1885, to any person or persons who at the time of making the same was an alien, or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in and to the same as he, or she, or they could have taken by the same grant, bargain, sale, conveyance, or devise if he, or she, or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements or hereditaments within this state by any such alien, or aliens, or his, or her, or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate, and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor, or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance or devise last mentioned; and any mortgage, or other security, taken by any alien to secure the payment of the purchase money, or any part thereof, of any lands, tenements or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectable by the same process of law as if the person in whose favor the same was

Grants to
aliens.

Title.

Convey-
ances by
aliens.

Title.

Same force
as if grantor
had been
naturalized.

OF CONVEYANCES.

or may be taken had been legally naturalized at the time of the making of such mortgage or other security.

Rights of
widow or
children of
alien.

SECTION 2. *And be it further enacted as aforesaid,* That the widow, child, or children respectively of any alien, who died before the first day of January, A. D. 1885, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child, or children, or of their or of any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen of this State at the time of his death.

Title.

Acknowledgment
before consular
agents before Jan.
1, 1885,
valid.

SECTION 3. *And be it further enacted as aforesaid,* That all conveyances of lands, tenements and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the first day of January, A. D. 1885, shall be deemed and taken to have been properly and legally acknowledged, and if not already recorded, may and shall be admitted of record in the county in which the lands, tenements and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

May be
recorded.

Evidence.

Passed at Dover, February 3, 1885.

CHAPTER 614.

OF CONVEYANCES.

AN ACT to make valid the record of a certain deed in New Castle County.

Preamble.

WHEREAS there is a defect in the record of a deed in New Castle County executed by Amos Bell in favor of Martin E. Walker, recorded February 21, A. D. 1865, in that the seal of the notary public is omitted, and for other omissions:

Validity of
deed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the record of a certain deed in New Castle County made by Amos Bell in favor of Martin E. Walker, dated

OF CONVEYANCES.

February 18, A. D. 1865, and recorded on February 21, A. D. 1865, in Book Z, Vol. 7, p. 341, be and the same is hereby made valid and effectual in law as if the same had been properly acknowledged, and the said record may be given in evidence to support the title derived under the said deed.

SECTION 2. *Be it further enacted*, That this shall be deemed to be a public act.

Passed at Dover, April 3, 1885.

CHAPTER 615.

OF CONVEYANCES.

A SUPPLEMENT to Chapter 29 of Volume 13, Laws of Delaware, as published in Revised Statutes of this State at page 505.

WHEREAS there are many conveyances of lands within this state of long standing, executed and delivered bone fide by parties resident in other states who were therefore unacquainted with the requirements of the statutes of this state concerning their execution and acknowledgment, and under which parties grantee and those claiming under them have continuously held uninterrupted possession of the premises thereby conveyed for many years; and whereas by reason of defective acknowledgment the record of any such conveyance cannot be offered in evidence; therefore Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the record of any deed dated prior to the first day of January, A. D. 1845, and duly signed and sealed by the persons therein named as grantors, although the acknowledgment thereof, or the private examination of any married woman being party thereto, may not have been taken and certified in conformity with the laws of this state existing at the time of its execution, shall be admitted as evidence in all courts of this state, and shall be as valid and conclusive evidence as if the same had been in all respects acknowledged and the acknowledgment certified in accordance with existing laws; *and further*, that every such deed Certain deeds executed prior to 1845 valid

OF CONVEYANCES.

shall be as valid and effectual as if the same had been correctly acknowledged and certified.

Said deeds to be conclusive against grantor and persons claiming under him.

SECTION 2. That no person, being grantor in any conveyance mentioned in Section 1 of this act, or claiming by, through, from or under any such grantor, shall make any entry into, or have or maintain any action for, or make any claim to or in any lands, tenements or hereditaments conveyed by any such conveyance dated prior to the first day of January, A. D. 1845, and whereof the grantees therein, or those claiming under them, have held quiet, uninterrupted and exclusive possession since the delivery thereof, but shall be forever debarred therefrom, without saving or exception whatsoever, unless such entry be made or action brought within three calendar months from and after the passage of this act.

SECTION 3. That nothing in this act contained shall be so construed as to affect the claim to dower of any married woman party to such deed who shall survive her husband and be lawfully entitled to dower.

Passed at Dover, April 9, 1885.

CHAPTER 616.

OF CONVEYANCES.

AN ACT to provide a mode for passing titles of Insane Persons.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :

Petition to Chancellor for appointment of trustee.

Powers of trustee.

SECTION 1. That any married man, seized of any real estate, whose wife shall be insane, desiring to sell and convey, or to mortgage any such real estate, or any part thereof, may prefer his petition to the Chancellor, stating the facts; and the Chancellor may, if he shall consider it a proper case, make an order, either in term or at chambers, appointing a trustee for such insane married woman to join in any deed or mortgage on her behalf with her husband, and to sign,

OF CONVEYANCES.

seal and acknowledge the same as such trustee in the same manner as deeds and mortgages are now by law acknowledged.

SECTION 2. Any deed or mortgage executed and acknowledged by a trustee for a married woman insane as aforesaid, appointed pursuant to the provisions of the preceeding section, shall be as valid and effectual to bar and divest her right of dower, in case she survives her husband, as if she had been legally capable and had in fact executed and acknowledged such deed or mortgage; and any such deed or mortgage, or the record thereof, shall be competent evidence in all the courts of this state. Dower barred.
Evidence.

SECTION 3. That all acts, or parts of acts, inconsistent with this act, are hereby repealed, and this act shall be a public act.

Passed at Dover, April 14, 1885.

CHAPTER 617.

OF CONVEYANCES.

AN ACT in relation to Sheriffs' making Deed for Lands and Tenements sold by them under execution process.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That whenever an execution for sale of lands and tenements shall be directed and delivered to a sheriff in office whose term shall expire before confirmation of the deed made by virtue of said writ, the deed of the sheriff making the sale to the purchaser shall be good and valid in law. Validity of
sheriff's
deed.

SECTION 2. That the provisions of this act shall apply to all sales which have heretofore occurred where no deed has been made as well as to sales hereafter to be made.

Passed at Dover, April 17, 1883.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 618.

OF SALE OF LANDS BY EXECUTORS, &C.

AN ACT to repeal an act Supplementary to Section 4 of Chapter 90 of the Revised Statutes of this State, relating to Sales of Real Estate by Executors and Administrators, passed at Dover, March 26, 1869.

Chapter 457,
Volume 13,
repealed.

Proviso.

Certain pro-
ceedings not
affected.

SECTION I. *Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met,* That the act supplementary to Section 4 of Chapter 90 of the Revised Statutes of this State, relating to sales of real estate by executors and administrators, passed at Dover, March 26, 1869, be and the same is hereby repealed. *Provided* that this repeal of the said act shall not affect any proceedings already had or commenced under it, or any money already paid into the Orphans' Court under it, or invested or otherwise secured under the direction of the said court for the benefit of the parties interested therein, but the said act shall continue and remain in full force and effect in relation to the same notwithstanding the passage of this act.

Passed at Dover, April 8, 1885.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 619.

OF THE ORPHANS' COURT.

AN ACT to amend Chapter 476, Volume 12 of the Laws of Delaware, entitled "An act in relation to Recognizances in the Orphans' Court."

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

SECTION 1. That Section 1 of Chapter 476 of Volume 12 of the Laws of Delaware, entitled "An act in relation to recognizances in the Orphans' Court be and the same is hereby amended by striking out between the word "State," in the fifth line thereof, and the word "shall," in the sixth line thereof, the following words, to wit: "pursuant to any of the provisions of Chapter 85 of the Revised Code." Chapter 476, Volume 12, amended.

Passed at Dover, March 26, 1885.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 620.

OF CIVIL ACTIONS.

AN ACT for the Protection of Keepers of Livery and Boarding Stables.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Keeper of
livery and
boarding
stables entit-
led to a lien.

Right to
detain as
security.

Sale.

Notice.

Advertise-
ment.

Proceeds
of sale.
Application

Proviso.

SECTION 1. That any hotel-keeper, inn-keeper, or other person who keeps a livery or boarding stable, and for price or reward at such stable furnishes food or care for any horse, or has the custody or care of any carriage, cart, wagon, sleigh or other vehicle, or any harness, robes, or other equipments for the same, shall have a lien upon such horse, carriage, cart, wagon, sleigh, vehicle, harness, robes or equipments, and the right to detain the same to secure the payment of such price or reward, and may, subject to the provisions of this act hereinafter contained, after the expiration of fifteen days from the time the same or any part thereof became due and payable, the same remaining unpaid in whole or in part, sell the property upon which he has such lien at public sale, at such livery or boarding stable, to the highest and best bidder or bidders therefor, first giving at least ten days notice of such sale by handbills posted in five or more public places in the county in which such sale is to be had and by advertisement in a newspaper published in said county, describing the property to be sold and naming the day, hour and place of sale thereof, and may apply the money arising from said sale to the payment of the amount then remaining due, including therein compensation at the same rate as such stipulated price or reward for food, care or custody furnished or bestowed as aforesaid up to the time of sale, together with the costs and expenses of sale; *provided, however*, that in case either before or after such price or reward has become due and payable, the keeper of such stable has parted with

OF CIVIL ACTIONS.

the possession or custody of the property subject to such lien, he may (if the contract for food, care or custody as aforesaid was made with the owner of the aforementioned property), at any time within the space of ten days from the time of such parting with the possession or custody thereof, make an affidavit, to be filed in the office of a justice of the peace of the county in which such stable is situated, describing such property and stating the amount of such price or reward then remaining due and payable, from whom owing, and that the same is justly and truly due; and it shall thereupon be the duty of such justice of the peace forthwith to issue to a constable a warrant for the seizure of such property and for the delivery thereof to the keeper of such stable, and such constable shall forthwith, at any place within such county, seize and deliver such property pursuant to such warrant, and thereafter the keeper of such stable shall have the right, unless there has been a previous execution and levy for an amount exceeding the value of the property, or unless such property has been sold fairly for a valuable consideration and delivered to the purchaser after the keeper of such stable has parted with its possession or custody and before such seizure thereof, to sell the same in manner aforesaid, after giving notice as aforesaid, and may apply the money arising from such sale in manner aforesaid. The balance, if any, of the proceeds of sale shall be paid to the owner or owners of the property sold; but in case such owner or owners cannot be found such balance shall be deposited in the Farmers' Bank of the State of Delaware, for the county in which such sale has been had, to the credit of such owner or owners. *Provided, however,* that if the owner or owners of the property subject to such lien, and detained by or seized and delivered to the keeper of such stable, shall at any time after such price or reward has in whole or in part become due and payable, and before sale, demand such property from the keeper of such stable, such lien shall be lost unless the keeper of such stable shall, within the space of fifteen days from the making of such demand upon him sell such property under and in accordance with the provisions hereinbefore contained.

Livery
keeper's
affidavit.

Contents.

Duty of
justice of
the peace.
Warrant.Right of
livery
keeper to
sell.Proceeds,
how appliedBalance to
owner of
property.When
deposited
in bank.

Proviso..

Lien,
when lost.

SECTION 2. That an action of replevin shall lie to recover the property detained by or seized and delivered to the keeper of a livery or boarding stable as aforesaid, with damages and costs for the detention thereof, at any time before sale thereof as aforesaid, against the keeper of such stable at

OF CIVIL ACTIONS.

the suit of the person or persons having the right, aside from any lien under the provisions of this act, to the immediate possession of such property, whether having the general or only a special property therein, the plaintiff or plaintiffs in the action, or some substantial person for him, her, or them, with sufficient surety satisfactory to the officer to whom the writ of replevin is directed, entering into bond to such officer before service of such writ in a penalty double the value of such property, to be estimated by such officer, with condition according to the following form:

Form. The condition of the above written obligation is such, that if _____, at whose suit against _____ a writ of replevin has been issued out of the Superior Court of the State of Delaware for _____ County, returnable to _____ term next, or _____ executors or administrators, shall prosecute said suit with effect, and shall fully and without delay abide by and satisfy any judgment which shall be given against the said _____, or _____ executors or administrators, in the said suit, then the said obligation shall be void.

Defendant's pleas. The defendant in the replevin may plead generally *non cepit*, *non detinuit*, property in a stranger, or an avowry of detention, in accordance with the provisions of this act, stating the amount claimed to be due and payable to him at the time of the replevy for food, care, or custody furnished or bestowed as aforesaid, which amount may include not only the stipulated price or reward then due and payable for the same, but also compensation at the same rate for food, care, or custody furnished or bestowed, as aforesaid, up to the time of such replevy. Such defendant may plead any or all of the above pleas; *provided however*, that an avowry shall always be accompanied by and tried or considered in connection with the plea of property in a stranger; *and further*, that neither the plea of *non cepit* or *non detinuit* shall ever accompany or be tried or considered in connection with an avowry. He may also plead such other pleas, not inconsistent with the provisions or purpose of this act, as the court, by general rule or upon special application, shall allow.

Effect of plea of non cepit. **Demand, when.** **SECTION 3.** The plea of *non cepit* shall have the same effect as heretofore. Upon the plea of *non detinuit* it shall be incumbent upon the plaintiff to prove a demand upon the defendant before the commencement of the action for the delivery to him of the property replevied, or a sufficient

OF CIVIL ACTIONS.

excuse for the omission of such demand. Upon the plea of property in a stranger, it shall be incumbent upon the plaintiff to prove that at the time of the commencement of the action he had the right, aside from any lien under the provisions of this act, to the immediate possession of the goods and chattels replevied, whether as having the general or only a special property therein. Plaintiff's proof.

SECTION 4. The judgment of the court if entered for the plaintiff upon the plea of *non cepit* or *non detinuit*, shall be against the defendant for costs and damages for the detention until the time of the replevy, to be assessed by a jury, but if entered for the defendant upon either of said pleas, the judgment shall be against the plaintiff for costs. Judgment for costs. Damages assessed by jury.

Judgment, if entered for the plaintiff upon the plea of property in a stranger, shall be against the defendant for costs and damages for detention as aforesaid, but if entered for the defendant upon said plea the judgment shall be against the plaintiff for costs and for a return of the property replevied within ten days, or the value thereof, together with damages for the detention thereof from the time of replevy, such value and damages to be separately assessed by a jury. Judgment, if for plaintiff or defendant, how entered

Judgment, if entered for the plaintiff upon an avowry, shall, if the issue upon the accompanying plea of property in a stranger be determined in favor of the plaintiff, be against the defendant for costs and damages for detention until the time of replevy, to be assessed as aforesaid; but if the issue upon such accompanying plea be determined in favor of the defendant, judgment shall be against the plaintiff for costs and for a return of the property, or the value thereof, with damages for detention from the time of replevy as aforesaid.

Judgment, if entered for the defendant upon an avowry, shall, if the issue upon the accompanying plea of property in a stranger be determined in favor of the defendant, be against the plaintiff for costs and for a return of the property or the value thereof, with damages for detention from the time of replevy as aforesaid; but if the issue upon such accompanying plea be determined in favor of the plaintiff, the judgment shall be against the plaintiff for costs and for the amount due to the defendant for food, care, or custody furnished or bestowed, to be assessed as aforesaid.

SECTION 5. If there be judgment of non-suit, or by default, or upon demurrer, or otherwise, without trial by jury, the value of the property replevied, or damages for detention Judgment of non-suit, default, or upon demurrer.

OF CIVIL ACTIONS.

Value determined by jury or as the court directs.

Jurisdiction of the court.

Judgment for defendant.

Assignment of replevin bond.

Suit on bond

thereof, or the amount due to the defendant for food, care, or custody furnished or bestowed as aforesaid, may be assessed and determined either by a jury at the bar, or upon a writ of inquiry, or otherwise, as the court shall order; and thereupon such judgment may be entered as the court shall deem in furtherance of the provisions or purpose of this act. The court shall also, subject to the provisions of this act, determine the judgment to be entered where two or more pleas are tried or considered together, and shall make such orders or rules for the disposition of the cause upon its merits as it shall deem proper or necessary. It may also regulate the practice of issuing writs for the enforcement of any judgment entered in accordance with the provisions of this act.

SECTION 6. If judgment be given for the defendant, or his executors or administrators, the officer to whom the bond was given before the service of the writ of replevin shall, on request, assign the same, under his hand and seal, in the presence of at least one credible witness, to the defendant in the writ, or his executors or administrators, and the assignee or assignees may sue on the bond in his, her, or their own name or names.

SECTION 7. If, after a judgment for a return, the property replevied, or any part thereof, be returned in an injured or depreciated condition, and such injury or depreciation has resulted from the wrong or negligence, since the replevy, of any other person than the defendant therein, his executors or administrators, the defendant, or his executors or administrators, may recover upon the bond aforesaid, so assigned as aforesaid, in addition to the moneys which shall have been adjudged to him or them in such action of replevin, damages to the extent of such injury or depreciation.

Passed at Dover, April 2, 1885.

OF WITNESSES AND EVIDENCE; EXECUTION.

CHAPTER 621.

OF WITNESSES AND EVIDENCE.

AN ACT to repeal Section 2 of Chapter 537, Volume 16 Laws of Delaware, entitled "An act in reference to the Competency of Witnesses."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 2 of Chapter 537, Volume 16, Laws of Delaware, passed at Dover, April 6, A. D. 1881, be and the same is hereby repealed. Section 2 of Chapter 537, Volume 16, repealed.

Passed at Dover, April 15, 1885.

CHAPTER 622.

OF EXECUTION.

AN ACT to amend Chapter 540, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 1, Chapter 540, Volume 16, Laws of Delaware, be amended by adding at the end of Section 1 the following words: "and the building situated in the town of Dover, Kent County, in which the county offices are kept, generally known as the County Building, shall also be considered a public house for the purposes of such sales." Section 1, Chapter 540, Volume 16, amended.

Passed at Dover, April 14, 1885.

OF COSTS IN CIVIL ACTIONS; OFFICIAL NOTICES.

CHAPTER 623.

OF COSTS IN CIVIL ACTIONS.

AN ACT concerning Costs in Civil Actions.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Plaintiff
liable for
costs, when.

SECTION 1. That whenever hereafter suit shall be brought in any civil action, excepting action where the venue is by law local against any citizen of this state, in any other county than that wherein such citizen shall reside at the time of the inception thereof, the plaintiff shall not recover his costs, and such costs shall not be payable by the defendant nor collectable by execution process.

SECTION 2. That so much of any law as is inconsistent with the provisions of Section 1 of this act, be and the same is hereby repealed.

Passed at Dover, April 15, 1885.

CHAPTER 624.

OF OFFICIAL NOTICES.

AN ACT relating to the Publication of Official or Public Notices, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Publication
in Sunday
newspapers
legal.

SECTION 1. That whenever, under any general or special law or charter of this state, any person or persons, natural or artificial, is, are, or shall be authorized to issue or publish any newspaper or newspapers on Sunday, any and every official or public notice, rule, order, proclamation, announcement or advertisement may be published in such newspaper or newspapers on Sunday with the same legal effect in all respects as if published on any secular day of the week.

Passed at Dover, April 15, 1885.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 625.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT providing additional Safeguard against Injuries from Explosives.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :

SECTION 1. If any person shall, within the limits of this state, deliver, or cause to be delivered, to any warehouseman for storage, or shall deliver, or cause to be delivered, to any carrier, whether by land or water, for transportation, any keg, can, or other package known by such person to contain gunpowder, blasting-powder, dynamite, nitro-glycerine, nitro-leum or blasting oil, or nitrated oil, or powder mixed with any such oil, without first disclosing to the warehouseman or carrier, his or its proper agents or servants, the character of the contents of such keg, can, or package, and without also having plainly marked or stamped on every such keg, can, or package the true nature of the contents thereof, such person shall be deemed guilty of a misdemeanor, and shall for each offense, upon indictment and conviction, be subject to a fine not exceeding one thousand dollars, or to an imprisonment not exceeding six months, or both, at the discretion of the court.

When unlawful to deliver for transportation certain explosive packages.

Must be marked.

Misdemeanor. Fine.

Imprisonment.

SECTION 2. If any person shall, within the limits of this state, deliver, or cause to be delivered, to any warehouseman for storage, or shall deliver, or cause to be delivered, to any carrier, whether by land or water, for transportation, any keg, can, or other package known by such person to contain gunpowder, blasting-powder, dynamite, nitro-glycerine, nitro-leum or blasting oil, or nitrated oil, or powder mixed with any such oil, which keg, can, or package shall be falsely

Penalty for false marking or fraudulent statements as to character of contents of keg, &c.

OF CRIMES AND PUNISHMENTS.

marked as to its contents, or if such person shall, at the time of such delivery, make a false and fraudulent statement as to the character of the contents of any such keg, can, or package, to any such warehouseman or carrier, his or its proper agents or servants, whereby such warehouseman or carrier, his or its proper agents or servants, shall be deceived and misled as to the explosive and dangerous qualities of the contents of such keg, can, or package, every such person shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction by indictment, be subject to a fine not exceeding two thousand dollars and imprisonment not exceeding one year.

SECTION 3. This act shall be a public act.

Passed at Dover, January 29, 1885.

CHAPTER 626.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to prevent Commissioners and Clerks of School Districts from Misappropriating Funds belonging to School Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Misappropriation of school funds

Penalty.

Individual liability not impaired.

SECTION 1. That if any commissioner or clerk of any school district in the State of Delaware shall misappropriate any funds in his hands belonging to the school district in which he is such commissioner or clerk, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, he shall be fined not less than twenty dollars nor more than one hundred dollars, together with the costs of prosecution, and upon failure to pay such fine and costs he shall be imprisoned not less than three months nor more than one year.

SECTION 2. The provisions of this act shall be deemed and taken to be cumulative and shall not affect or impair the individual liability of any such commissioner or clerk in any civil suit which may be brought against them or either of them.

Passed at Dover, April 10, 1885.

OF CRIMES AND PUNISHMENTS.

CHAPTER 627.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to provide against Accidents at Highway Crossings of Railroads.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That from and after the passage of this act every engineman, or other person engaged in running any locomotive engine on any railroad within the state shall be, and he is hereby required, when any such engine shall approach a public highway crossing such railroad, to signal the approach of such engine to such crossing by sounding two long blasts followed by two short blasts of the steam whistle at least three hundred yards from such crossing; *provided, however*, that where two or more highways shall cross any such railroad within the distance of four hundred yards the signal for the crossing first reached shall answer for all; *and provided further*, that the provisions of this act shall not apply to the City of Wilmington.

Signals at railroad crossings, how given.
Proviso.
Not applicable to City of Wilmington.

SECTION 2. That if any one shall neglect or omit the performance of the duty prescribed by Section 1 of this act, every person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction by indictment, be subject to a fine of twenty dollars for the first offense, to a fine of forty dollars upon a second conviction for the like offense, and upon every subsequent conviction for the like offense to a fine not exceeding one hundred dollars, or an imprisonment not exceeding six months, or both, at the discretion of the court.

Penalty for neglect.
Misdemeanor.
Fines.
Imprisonment.

SECTION 3. That this shall be deemed a public act.

Passed at Dover, April 10, 1885.

MISCELLANEOUS.

CHAPTER 628.

OTHER SCHOOLS AND LITERARY INSTITUTIONS.

AN ACT to incorporate The Milford Classical Academy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Corporators. SECTION 1. That Cornelius J. Hall, Charles Barker, Charles A. Blair, Isaac S. Truitt, James M. Hall, William F. Causey, William T. Watson, Peter F. Causey and Andrew B. Cooper, and such other persons as are now or may hereafter be associated with them and their successors, be and they are hereby constituted a body politic and corporate by the name and style of the Milford Classical Academy, and by that name they and their successors and assigns shall and may have succession for twenty years, and be capable to sue and be sued in courts of law and equity, to take by gift, grant, devise, bequest, contract, or otherwise, and to hold and transfer land, tenements, hereditaments, goods, chattels, rights and credits and effects of every nature which may be connected with or conducive to the purposes for which said corporation is established; to have a common seal and alter the same at pleasure, and to enjoy the franchises incident to a corporation; *provided*, nevertheless, that all the property of said corporation shall not exceed in yearly value the sum of five thousand dollars. The object of said corporation shall be the instruction of students in the languages, arts and sciences, and with power to grant to students such honorary certificates as to such corporation may seem meet.

Corporate name.

Powers.

Property not to exceed \$5,000 yearly rental.

Capital stock. SECTION 2. The capital stock of the corporation shall not exceed twenty thousand dollars, divided into shares of twenty-five dollars each. The persons in the first section of this act are appointed commissioners to procure subscriptions, and they, or any five of them, shall open books of subscription to such capital stock, at Milford, on or before the

MISCELLANEOUS.

first day of April next, and at such other times and places as the majority of them shall determine upon, and whenever, in the opinion of such majority, a sufficient amount shall be subscribed to commence operations, they may call for the payment of the stock subscribed at such times as they may deem expedient, giving ten days notice thereof, and calling for no more than five dollars on each share at one time. *Provided*, that no privilege herein contained shall confer banking powers.

Call for
payments.

SECTION 3. On the payment of the first installment, a meeting of the stockholders shall be called at a time and place fixed by the commissioners, at which meeting the stockholders in person, or by proxy, shall choose, by ballot and by a majority of votes, each share being entitled to one vote, nine trustees, three thereof to serve for the term of one year, three for the term of two years, and three for the term of three years, and that at the annual meetings thereafter, fixed by their by-laws, they shall elect three trustees to serve for the term of three years and until their successors respectively shall be duly chosen; any vacancy in the board of trustees may be supplied by the others. A failure to elect annually will not dissolve the corporation. The time of annual meetings to be fixed by the by-laws. The affairs and business of the corporation shall be conducted by the trustees, a majority being sufficient to act. They shall elect one of their number president, and may appoint a treasurer, and employ such other officers, professors, instructors, agents and servants as may be necessary, subject to removal by a vote of a majority of the members of the board; may fix their compensation and secure their fidelity by bond or otherwise. They shall have power to make by-laws, rules and regulations for the government of the corporation, not being inconsistent with the Constitution of the United States or laws of this State, and being subject to change or repeal by the trustees in annual meetings.

Meeting of
stockholders

Trustees
elected.

Vacancies.

Failure to
elect not to
dissolve cor-
poration.

Powers
of trustees.

SECTION 4. If any subscriber to the capital stock shall refuse to pay any installment on the stock subscribed for or held by him for the space of thirty days after the time appointed for payment thereof, and written notice to him or her by mail or otherwise, the trustees may either declare such stock forfeited and sell the same for the benefit of the corporation, or in the name of the corporation sue for and recover the sum remaining unpaid with costs and interest

Remedy
against
delinquent
stockholders

MISCELLANEOUS.

thereon, and such delinquents shall not during the time any installments shall be due and unpaid be entitled to vote at any meeting of the stockholders or to receive any dividend on their stock.

Capital
stock
personal
property.

Power of
trustees to
borrow
money.

SECTION 5. That the shares of the capital stock shall be personal property, and shall be created, certified, held, arranged and assignable according to the provisions of the by-laws. The said corporation, through its board of trustees, shall have the right to borrow money to the amount of the capital stock paid in and secure the same by bond, mortgage or otherwise. The said bond or mortgage, or certificate of indebtedness, to be signed by the president and attested by the secretary, and the seal of the said corporation attached.

SECTION 6. The provisions of this act may at any time be repealed or revoked when deemed expedient by the Legislature.

Passed at Dover, April 8, 1885.

CHAPTER 629.

OF ALMSHOUSES AND THE POOR.

AN ACT to amend Section 8 of Chapter XLVIII Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 8,
Chapter 48,
Revised
Code,
amended.
Duty of the
Board of
Trustees of
the Poor.

SECTION I. That Section VIII of Chapter XLVIII of the Revised Code be and the same is hereby amended by adding to the end of said section the following: "Whose duty it shall be to have a detailed statement printed in pamphlet form annually for distribution among the tax payers of the county; *provided* the said board shall not in any one year have printed more than five hundred copies of such statement or account."

Passed at Dover, April 15, 1885.

MISCELLANEOUS.

CHAPTER 630.

CHAPTER 379, VOLUME 16, PUBLISHED AS AMENDED.

AN ACT to Prevent the Spread of Contagious or Infectious Pleuro-Pneumonia among the Cattle of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That whenever the Governor of this State shall receive reliable information that the disease known as contagious or infectious pleuro-pneumonia exists among any cattle in this State, he shall have power, and is hereby authorized to issue his proclamation, stating that the said infectious or contagious disease exists in this State, and warning all persons to seclude all animals in their possession that are affected with such disease, or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease, as the nature thereof may, in his judgment, render necessary or expedient; to order that any premises, farm or farms, where such disease exists or has existed, to be put in quarantine, so that no domestic animal be removed from such places so quarantined, and to prescribe such regulations as he may judge necessary or expedient to prevent infection or contagion being communicated in any way from the places so quarantined; to call upon all sheriffs and deputy sheriffs in this state to carry out and enforce the provisions of such proclamations, orders and regulations; and it shall be the duty of all the sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the Governor in the premises; to employ such other persons as he may, from time to time, deem necessary to assist him in performing his duties as set forth in this act, and to fix their compensation; and to co-operate with the Commissioner of Agriculture of the United States, or any other United States officers who are authorized by the statutes of the United States to use the money of the Federal Government as is necessary in investigating and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease; when in his judgment it shall be deemed necessary to order all or any animals coming into this State to be detained at any place

Proclamation of Governor in relation to contagious pleuro-pneumonia among cattle

Quarantine regulations.

Destruction of infected animals.

MISCELLANEOUS.

Examina-
tion of
infected ani-
mal before
destruction.

or places for the purpose of inspection and examination; to prescribe regulations for the destruction of animals affected with the said infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion, (*provided* that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the Governor or the United States Commissioner of Agriculture, as aforesaid;) to prescribe regulations for the disinfection of all premises, buildings and railway cars, and of objects from or by which infection or contagion may take place, or be conveyed; to alter and modify, from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time.

Assessment
of damages
for destruc-
tion of
diseased
animals,

Certificates
of commis-
sioners.

Payment of
damages.

SECTION 2. That in any case where, in the opinion of the Governor, it may be deemed necessary to destroy any diseased animal or animals, the said Governor shall select and appoint three judicious and impartial citizens of this state to view, and after such view to assess any such diseased cattle at what would be their real value in money were they not so affected; *provided* that such valuation shall not in any case exceed the sum of \$50.00 per head. And in case said cattle shall be destroyed, as provided in the first section of this act, then upon certificate of such assessment, duly signed and attested by said assessors, or a majority of them, and approved by the Governor, being presented by the owner or owners of such destroyed animals to the State Treasurer of this State, the said State Treasurer is hereby authorized to pay to such owner or owners a sum of money equal to two-thirds of the amount of the aggregate assessment upon said cattle so destroyed.

Misdemeanor to sell
diseased
animals.

Penalty.

SECTION 3. If any person shall sell or dispose of any animal or animals, known to be affected with pleuro-pneumonia, or known to have been exposed thereto within one year prior to such sale or disposal, without due notice to such purchaser that said disease exists in said animals, or that they have been exposed thereto as aforesaid, he shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or may, in the discretion of the court, be imprisoned for a term not exceeding one year.

MISCELLANEOUS.

SECTION 4. If any one knows, or has reason to suspect, ^{Notice of infected cattle.} that said disease exists among the cattle in his possession, or under his care, he shall forthwith give notice thereof to the Governor, and for failure so to do, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year.

SECTION 5. Any person disobeying the orders of the Governor, sheriff, or deputy sheriff, made in conformity to this act, or any person driving or transporting any neat cattle contrary to the regulations made and published as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year. ^{Penalty for disobedience to orders.}

SECTION 6. That all the necessary expenses incurred under the direction, or by the authority of the Governor, in carrying out the provisions of this act, shall be paid by the State Treasurer, upon warrant duly made and signed by the Governor on the State Treasurer, for all expenses incurred under this act other than the payment for cattle destroyed. ^{Expenses, how paid.}

SECTION 7. That animals coming from a neighboring state, that have passed a veterinary examination in said state, or have been quarantined and discharged, the owner or driver being provided with a genuine certificate that such animals are not infected with pleuro-pneumonia, shall not be subject to the provisions of this act. ^{Animals coming from other states. When exempted from this act.}

SECTION 8. That all the provisions of this act applicable to the disease known as pleuro-pneumonia be also and is hereby extended to and made applicable to all other infectious or contagious cattle diseases which are virulent and fatal in their nature. ^{Application of this act.}

SECTION 9. That in the execution of the provisions of Section 6 it is hereby provided that there shall not be expended more than the sum of three hundred dollars in any one year. ^{Allowance of \$300 for execution of the law.}

Passed at Dover, March 29, 1881.

Amended January 22, 1885.

MISCELLANEOUS.

CHAPTER 631.

OF DIVORCE.

AN ACT to amend Section 4 of Chapter 75 of the Revised Statutes of 1874, entitled "Of Divorce."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4 of
Chapter 75
of the
Revised
Statutes
of 1874
amended.

SECTION 1. That Section four of Chapter seventy-five of the Revised Statutes of this State, as amended and published in 1874, be and the same is hereby amended by striking out the words "three months," where they occur in line twenty-seven of said section, and inserting in lieu thereof the words "one month."

Passed at Dover, January 29, 1885.

CHAPTER 632.

OF CLAIMS.

AN ACT for the Payment of Claims against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the State Treasurer be and he is hereby authorized to pay the following claims:

Claims.

To Boughman & Co., in full for binding books and stationery, \$221.83; State Sentinel, for printing, \$88.80; Thos. Cox, in full, \$3.50; James Kirk, for printing, \$142.00; Clarke & McDaniel, blank books, &c., \$8.50; Edward R. Cochran, order accepted from Bell & Taylor for printing, \$225.50; William H. Purnell, expenses in full, \$172.69; William J. Rankin, 60 cents for pitcher; Joseph White, for printing, \$12.10; T. N. Williams, Supt., for sundries, \$328.18; John M. Houston, for expenses, \$100.00; H. Davis, repairing wheelbarrow, \$3.00; Stevenson & Slaughter, for coal, &c.,

MISCELLANEOUS.

\$416.85; C. F. Thomas & Co., in full, \$659.02; Horace Greeley Knowles, for printing, \$42.75; Times Publishing Company, for printing, \$20.22; George P. Jarrell, in full, \$33.40; Peninsular News and Advertiser, in full for printing, \$308.15; Arthur R. Boyle, cleaning clock, &c., \$10.00; Sussex Journal, for printing, \$342.36; Isaac Wootten, making search for C. P. Hallett, \$96.40; Jos. C. White, for printing, \$55.50; Every Evening Publishing Company, for printing, \$202.50; James Frasher, attending court, \$48.00; J. L. Long, Auditor's bill, \$310.10; Horney & Hopkins, for printing, \$12.00; Jas. L. Hawkins, requisition and expenses, \$237.00; F. M. Dunn, serving requisitions, &c., \$100.00; Frank Temple, serving requisitions and expenses, \$62.50; John S. Herington, serving requisition and expenses, \$300.00; Delawarean, for printing, \$539.70; Martha Hunter, for washing, \$20.00; W. P. Godwin, for cleaning and repairing, \$84.10; E. M. Gallaudet, in full for board and tuition, \$200.00; The Star, printing, \$1.08; Cowgill & Creen, in full for sundries, \$184.02; Kenney and Ridgely, drawing bills by request of Committee on Education, \$100.00; F. M. Dunn, for cloth, \$1.75; John B. Penington, for committee work, \$15.00; John O. Truitt, Ways and Means Committee, for drawing bills, &c., \$75.00; John P. Saulsbury, for committee work, \$15.00; Jas. Kirk & Son, for printing, \$629.12; T. K. Jones & Bro., for repairing, &c., \$12.75; Gilmore & Townsend, for printing, \$8.80; Jos. C. White, in full for printing, \$80.13; Dover Gas Light Company, \$258.86; E. Haman, in full, \$15.80; I. G. Lofland, in full, \$5.25; J. D. Deane, in full for papers, \$449.75; Merris Taylor, drawing bills and assisting Committee on Municipal Corporations and Claims and Accounts, \$50.00; William Cooch, purchasing agent, \$50.00; Clement Spittle, carrying mail, \$20.00; William Hunter, janitor and extra work, \$50.00.

Passed at Dover, April 17, 1885.

MISCELLANEOUS.

CHAPTER 633.

MISCELLANEOUS.

AN ACT to change the name of John Henry Sullivan to the name of Harry Johnson, and to make him by adoption a son and heir-at-law of William S. Johnson and Hester Ann Johnson, his wife.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Name
changed.

To be treat-
ed as legiti-
mate child.

SECTION 1. That the name of John Henry Sullivan, a small boy now under the care and protection of William S. Johnson and Hester Ann Johnson, his wife, of Georgetown Hundred, Sussex County and State of Delaware, be and the same is hereby changed to the name of Harry Johnson, and by that name he is hereby constituted an heir-at-law of the said William S. Johnson and Hester Ann Johnson, his wife, and shall henceforth bear the same relation to them as if he were the legitimate child of the said William S. Johnson and Hester Ann Johnson.

SECTION 2. This act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Passed at Dover, February 18, 1885.

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CHAPTER 634.

Joint Resolution appointing a Joint Committee to wait upon His Excellency, the Governor, and inform him that the two Houses are duly organized and ready to receive any communication he may see fit to make.

Resolved, That a joint committee of three on the part of the House and two on the part of the Senate be appointed to wait upon his Excellency, the Governor, and inform him that the two houses are duly organized and ready to receive any communication he may see proper to make.

Adopted at Dover, January 6, 1885.

CHAPTER 635.

Joint Resolution appointing Joint Committee on Joint Rules governing the intercourse between the two Houses.

Resolved by the Senate and House of Representatives in General Assembly met, That a joint committee be appointed, consisting of two on the part of the Senate and three on the part of House, to report rules governing the intercourse between the two houses.

Adopted at Dover, January 6, 1885.

RESOLUTIONS.

CHAPTER 636.

Joint Resolution adjourning both Houses until Monday the 12th inst., at 4.15 o'clock, P. M.

Adjournment for one week.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two houses adjourn to-day, they adjourn to meet on Monday, the 12th inst., at 4.15, P. M.

Adopted at Dover, January 6, 1885.

CHAPTER 637.

Joint Resolution appointing Joint Committee to examine State Treasurer's Account.

Joint committee appointed.

Resolved by the Senate and House of Representatives in General Assembly met, That a joint committee of five, two on the part of the Senate and three on the part of the House, be appointed to examine the State Treasurer's account.

Adopted at Dover, January 12, 1885.

CHAPTER 638.

Joint Resolution of adjournment, in order that members may attend the funeral of A. C. Gray, Esq.

Preamble.

WHEREAS by the recent demise of Andrew C. Gray, Esq., the State has lost one of its most substantial and respected citizens; a gentleman distinguished alike for his public virtues and private worth, and one who, by his promotion of

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and official connection with several of the most important public improvements within our borders, has contributed largely towards the development and material prosperity of our commonwealth; and whereas many members of this General Assembly will desire to attend his funeral which takes place at New Castle, on Wednesday, the 14th inst.; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That, in order to afford members an opportunity to attend the funeral, this General Assembly will adjourn on Wednesday, the 14th inst., at 10.30 o'clock, A. M. Adjourned
for one day.

Adopted at Dover, January 13, 1885.

CHAPTER 639.

Joint Resolution in relation to the State Flag.

WHEREAS the old State Flag is worn out and unfit for use, therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware, That a joint committee of two on the part of the Senate and three on the part of the House be and are hereby appointed to purchase a new flag for the use of the State in lieu of the old one. Committee
to purchase
flag.

Adopted at Dover, January 13, 1885.

CHAPTER 640.

Joint Resolution in relation to repairs on State House and Furniture.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of two on the part of the Senate and three on the part Joint com-
mittee to
consider.

RESOLUTIONS:

of the House of Representatives be appointed to examine into the condition of the State House and ascertain what repairs are necessary, and to take into consideration the propriety of furnishing the parlor of the State House, the Governor's Room, and the offices of the Clerks of the Senate and House, and to report their findings to the respective houses within three days of actual session.

Adopted at Dover, January 15, 1885.

CHAPTER 64I.

Joint Resolution in relation to the Committees on Divorce.

Authority to
administer
oaths.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the chairman, or, in his absence, any member of the committee on divorce of either House, be and hereby is authorized and empowered to administer oaths and affirmations to persons appearing as witnesses before their respective committees or before said committees in any joint meeting.

Adopted at Dover, January 15, 1885.

CHAPTER 642.

Joint Resolution appointing Joint Committee to take into consideration Chapter 379, Vol. 16, Laws of Delaware.

Joint
committee
appointed.

Resolved by the Senate and House of Representatives in General Assembly met, That there be a joint committee of five, two on the part of the Senate and three on the part of the House, to take into consideration Chapter 379, Vol. 16, Laws of Delaware, entitled "An act to prevent the spread of contagious or infectious pleuro-pneumonia among the cattle

RESOLUTIONS.

of this State," and report whether in their judgment any, and if any, what amendments to said act are advisable and necessary.

Adopted at Dover, January 15, 1885.

CHAPTER 643.

Joint Resolution appointing Auditor of Accounts.

Resolved by the House of Representatives (with the concurrence of the Senate), That Jesse L. Long be and he is hereby appointed Auditor of Accounts.

Jesse L.
Long
appointed.

Adopted at Dover, January 20, 1885.

CHAPTER 644.

A Joint Resolution entitled "Joint Resolution appointing State Treasurer."

Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate), That John M. Houston be and is hereby appointed State Treasurer.

John M.
Houston
appointed.

Adopted at Dover, January 20, 1885.

CHAPTER 645.

Joint Resolution authorizing and directing the Secretary of State to publish in the Laws Chapter 379, Vol. 16, Laws of Delaware, as amended by the present General Assembly.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Secretary of State be and he is hereby authorized and directed to

Chapter 379,
Volume 16,
published as
amended.

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publish in the Laws of the State, Chapter 379, Volume 16, of the Laws of Delaware, as amended by the present General Assembly.

Adopted at Dover, January 26, 1885.

CHAPTER 646.

Joint Resolution appointing Directors for the Farmers' Bank of the State of Delaware.

State
directors
appointed.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided:

For the principal Bank at Dover—Robert Clifton, Samuel W. Hall and Edward Lord;

For the Branch at Wilmington—Joseph L. Carpenter, Jr., James Bradford and Alexander J. Hart;

For the Branch at New Castle—James T. Eliason, David Boulden and Eugene Rogers;

For the Branch at Georgetown—Hugh Martin, Ebe W. Tunnell, Charles B. Houston.

Adopted at Dover, January 28, 1885.

CHAPTER 647.

Joint Resolution appointing a Joint Committee to investigate the Tax on Bank Shares.

Preamble.

WHEREAS it appears by the State Treasurer's Report that only a small amount has been received by the State for tax on Bank shares; therefore be it

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Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of three on the part of the House of Representatives and two on the part of the Senate be appointed to investigate the subject with a view of discovering why said tax is not paid more fully, and make a report thereon. Committee of investigation.

Adopted at Dover, January 28, 1885.

CHAPTER 648.

Joint Resolution appointing Janitor.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Hunter be and he is hereby appointed Janitor of the State House for the term of two years, beginning on the ninth day of April next, A. D. 1885, the said Janitor to do all the work in and around the State House that may be necessary in order to keep the same in a proper condition, and to manage the fires necessary to heat the Library, Secretary's Office, and Governor's Room, except during the session of the Legislature. He shall receive as compensation for his services as Janitor the sum of two hundred dollars per annum, for which he is hereby authorized to draw upon the State Treasurer at the end of each quarter. Appointment of Janitor for State House Duties. Compensation.

Adopted at Dover, January 28, 1885.

CHAPTER 649.

Joint Resolution in relation to Heating the State House by Steam.

WHEREAS certain members have been obliged to leave this room on account of it being insufficiently heated, and whereas the health of the members of this body is of vital importance, and it is necessary that the building should be comfortable, therefore Preamble.

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Committee. *Be it resolved*, That a joint committee of three on the part of the House and two on the part of the Senate be appointed to consult with the fireman, and have power to employ a suitable person to make any necessary repairs on the heaters in this building, and to also ascertain the cost of heating this building by steam, and the propriety of so doing.

Adopted at Dover, February 5, 1885.

CHAPTER 650.

Joint Resolution appointing a Joint Committee to Superintend the Binding of certain Law Books.

Preamble. WHEREAS there are in the State Library about one hundred volumes of the law library that in their present condition are unfit for use and are liable to be destroyed entirely if left unbound; therefore

Joint committee appointed. *Be it resolved by the House of Representatives (with the concurrence of the Senate)*, That a joint committee of two on the part of the House and one on the part of the Senate be appointed to have the books bound in a proper manner, and either present the bill to the General Assembly for the cost thereof or draw an order upon the Treasurer of the State for the amount, which the Treasurer is hereby authorized and directed to pay.

Cost paid by State Treasurer.

Adopted at Dover, February 5, 1885.

CHAPTER 651.

Joint Resolution appointing a Joint Committee to take into consideration the propriety of providing a suitable way to attend the Inaugural Ceremonies at Washington, D. C., on March 4, 1885.

Committee on inaugural ceremonies. *Resolved by the House of Representatives (with the concurrence of Senate)*, That a joint committee of three on the part of the House and two on the part of the Senate be appointed to take into consideration the propriety of providing a suitable

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ble way in which the members can go to Washington, D. C., to witness the inaugural ceremonies on March the 4th, 1885, and report to their respective houses their action in the premises.

Adopted at Dover, February 5, 1885.

CHAPTER 652.

Joint Resolution in relation to Indians.

WHEREAS believing that the education of the Indians and Preamble.
their voluntary citizenship in the United States will most
justly, quickly and economically solve the Indian problem ;
therefore

Resolved (if the Senate concur), That our Senators and Senators and
Representa-
tive request-
ed to assist
in passage of
a certain bill
Representatives in Congress be and they are hereby requested
to aid in the passage of resolutions solemnly pledging the
faith of the nation to the Indian policy embodied in the
following principles:

First. That the unpaid sum pledged for educational purposes by the Government as part payment for the cession of lands by Indians be appropriated for the purchase of stock, farming implements, tools, etc., for Indian manual labor schools.

Second. That so much of the net proceeds of the sale of public lands as may be necessary shall be set apart for the purpose of creating a permanent fund for the education of Indians.

Third. That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship, may be granted at once to all Indians who so desire.

Fourth. That the legal personality of all Indians may be granted, and that protection of law may be given them, as it is to all other races within these United States.

Fifth. That the civilization of Indians may be hastened by providing for and rewarding their civilized industries.

Sixth. That the salaries of Indian agents be increased

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sufficiently to secure good men of large capacity and business experience, and to retain them in service.

Copy to be
transmitted

Resolved (if the Senate concur), That the Governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this State.

Adopted at Dover, February 19, 1885.

CHAPTER 653.

Joint Resolution appointing a Joint Committee to consider the propriety of furnishing Transportation for the Delaware State Militia to Washington to attend the Inauguration Ceremony.

Joint
committee
appointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to take into consideration the propriety and the expense of furnishing transportation for the militia of this state to attend the inauguration ceremony of the President of the United States, at Washington, on the fourth of March next ensuing, and to report to each house the result of their findings at as early a day as possible.

Adopted at Dover, February 24, 1885.

CHAPTER 654.

Joint Resolution authorizing and directing the State Treasurer to pay certain Claims.

State
Treasurer to
pay certain
claims.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay, to the order of the following parties, the amounts respectively stated, viz.: To Clark & McDaniel, for stationery

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and supplies for the Legislature, \$729⁴⁸/₁₀₀; Samuel D. Truitt, for cleaning State House and repairing lightning rods, \$92⁵⁰/₁₀₀; Thomas Cox, for repairing locks and furnishing keys for State House, \$9⁵⁰/₁₀₀.

Adopted at Dover, February 24, 1885.

CHAPTER 655.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That ^{Adjourned for one week} *when the Senate and House of Representatives adjourn to-day it be to meet on Monday, the 9th inst., at 3 o'clock, P. M.*

Adopted at Dover, March 2, 1885.

CHAPTER 656.

Joint Resolution in regard to the Resignation of Hon. Thomas F. Bayard.

WHEREAS the Hon. Thomas F. Bayard, for sixteen years ^{Preamble.} Senator of the United States from the State of Delaware, has resigned this position for the purpose of entering the Cabinet of the President of the United States; and whereas, in view of his honorable record and distinguished services in the United States Senate, it is fitting that the Legislature of the State he so faithfully represented should give public testimony to the same; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That ^{Committee.} *a joint committee of two members of the Senate and three members of the House of Representatives be and is hereby appointed to prepare a suitable expression of appreciation of the public services of the Honorable Senator, and of regret at his retirement from the position he so long and worthily filled.*

Adopted at Dover, March 10, 1885.

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CHAPTER 657.

Joint Resolution appointing a Joint Committee in relation to a State Insane Asylum.

Committee
to visit, &c.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of five, two on the part of the Senate and three on the part of the House, be appointed to consider the propriety of the purchase by the State of the property held by the Trustees of the Poor of New Castle County for insane persons, and for that purpose, if they see fit, to visit and inspect the same, and make report to the respective houses.

Adopted at Dover, March 17, 1885.

CHAPTER 658.

Joint Resolution in reference to Journals of the respective Houses.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the clerks of the respective houses be and they are hereby directed as follows, to wit:

Certain
reports
omitted
from the
journals.

1. To omit the reports of the Auditor, Secretary of State, State Chemist and Delaware College, from their journals when they publish them.

2. To have the journals printed in as condensed a form as practicable.

Bound
copies for
members.

3. To have thirty copies of the journals of their respective houses suitably bound, and transmit one to each member of the General Assembly, with the name of the member neatly stamped thereon. The expense for such binding and stamping to be paid as the bills for printing the journals respectively are paid.

Adopted at Dover, March 17, 1885.

RESOLUTIONS.

CHAPTER 659.

Joint Resolution concerning the Jump Property.

WHEREAS the property known as the Jump property, adjoining the capital building, has been purchased by the State, pursuant to a joint resolution passed at Dover, March 29, 1883, and the title thereto completed; therefore

Preamble.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of three, consisting of one on the part of the Senate and two on the part of the House, be appointed to confer with the Governor in reference to what (if any) steps should be taken by the General Assembly, at its present session, in regard to the same, and also to inquire as to what insurance is now upon the property and the necessity of continuing the same, and make report to their respective houses.

Committee to confer with the Governor.

Adopted at Dover, March 19, 1885.

CHAPTER 660.

Joint Resolution authorizing and directing the State Treasurer to pay certain Claims against the State.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay the following claims: Stevenson & Slaughter, \$333.26; H. D. Walls, \$45.70; The Every Evening Publishing Company, \$369.42; Gilman & Townsend, \$123.79; Egbert G. Handy, \$10.00; W. Scott Way, \$617.71; The Delaware Ledger, \$96.75; The Star Publishing Company, \$283.17; F. J. Willoughby, \$65.89; The Delawarean, \$265.80.

State Treasurer to pay certain claims.

Adopted at Dover, March 26, 1885.

RESOLUTIONS.

CHAPTER 661.

Joint Resolution in relation to the Condition of Delaware College Buildings.

Preamble.

WHEREAS the Trustees of Delaware College are asking for an appropriation of \$8,000 to repair college buildings, and the necessity of such repairs and condition of the buildings is unknown to the members of the General Assembly; therefore

Committee to visit college.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of five, two on the part of the Senate and three on the part of the House, be appointed to visit the college, investigate, and report condition of said buildings.

Report.

Adopted at Dover, March 30, 1885.

CHAPTER 662.

Joint Resolution in relation to the State Military.

Joint committee appointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there be a joint committee of two on the part of the Senate and three on the part of the House of Representatives appointed to consider the propriety of reimbursing the Delaware State Military for their expense in attending the inauguration ceremonies of the President of the United States, and report by bill or otherwise.

Adopted at Dover, March 30, 1885.

CHAPTER 663.

Joint Resolution authorizing and directing the State Treasurer to pay certain Claims against the State.

State Treasurer to pay certain claims.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and is hereby authorized and directed to pay the following claims: "Delaware Democrat," \$621.92;

RESOLUTIONS.

Robert D. Hoeffcker, \$154.92; Morning News Publishing Co., \$162.15; Joseph Burchinal, \$49.89; "Smyrna Record," \$148.65; "Seaford Enterprise," \$23.50; Samuel D. Gordon, \$66.78; "Frie Press," of Wilmington, \$92.52; Jas. W. Wise, \$48.00; G. W. Vernon & Sons, \$179.14; William H. Baggs, \$25.56; W. G. L. Tucker, \$24.00; Wm. Herbert, \$675.24; Horstman Bros. & Co., \$86.00.

Adopted at Dover, March 31, 1885.

CHAPTER 664.

Joint Resolution in relation to Adjournment.

Resolved by the House of Representatives (by and with the concurrence of the Senate), That both Houses of the Legislature adjourn on Friday, the tenth day of April, 1885, *sine die.* ^{Adjournment sine die.}

Adopted at Dover, March 31, 1881.

CHAPTER 665.

Joint Resolution in relation to certain Books in the Library.

WHEREAS there are now in the State Library of this State ^{Preamble.} three volumes of the minutes of the Council of this State, in manuscript, showing proceedings of said council from the year A. D. 1776 to the year 1792 inclusive; and whereas said volumes contain much valuable information which should be preserved, and are of much value to the State, and age has already rendered much of the writing imperfect, therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a ^{Joint committee appointed.} committee of two on the part of the Senate and three on the part of the House be appointed to have said volumes printed properly for the use of this State.

Adopted at Dover, April 1, 1885.

RESOLUTIONS.

CHAPTER 666.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of the Senate and House of Representatives.

Joint
committee
appointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five be appointed on the part of the General Assembly, to consist of the following two members of the Senate, viz: William H. Cooper, Hugh Martin, and the following three members of the House of Representatives, viz: J. O. Truitt, Theodore F. Armstrong and John H. Schabinger, whose duty it shall be to meet at Dover on the third Tuesday of January, 1886, for the purpose of settling the accounts of the State Treasurer and receiving the reports of the Auditor of Accounts for the current year.

Duties of
committee.

Resolved, That it shall be the duty of said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

To settle
with certain
officers.

Resolved, That said committee shall have full power and authority to audit the accounts of the Clerk of the Senate, and of the Clerk of the House of Representatives, for superintending the printing of the journals of the houses of the Legislature during the present session, and for making indexes thereto. Also the account of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said Clerks and said Secretary of State respectively.

Compensa-
tion of
members.

Resolved, That the said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of the said committee, out of any money in the hands of the said State Treasurer not otherwise appropriated, and the chairman of said committee

RESOLUTIONS.

shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Adopted at Dover, April 2, 1885.

CHAPTER 667.

Joint Resolution receiving no New Business.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That no new ^{New business.} *business will be received after Wednesday, April 8th, inst.*

Adopted at Dover, April 6, 1885.

CHAPTER 668.

Joint Resolution authorizing the Collector of Oyster Revenue to have the Guard Boat Repaired.

WHEREAS the guard boat owned and used by the State for ^{Preamble.} the protection of the oyster beds is badly in need of repair, it having been in use for about fifteen years; and whereas it is absolutely necessary for the preservation of said boat that it be speedily repaired and put in good order and repair; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the ^{Appropriation.} *Collector of Oyster Revenue be and he is hereby authorized and directed to have said boat repaired and put in good repair and order, and draw a draft upon the State Treasurer for a sum not exceeding thirteen hundred dollars, to pay for such repairs as are necessary to preserve the said boat.*

Resolved further, That the State Treasurer be and he is authorized to honor said draft, and a receipt from the Col-

RESOLUTIONS.

lector of Oyster Revenue shall be a proper voucher for the money paid by authority of this resolution.

Adopted at Dover, April 6, 1885.

CHAPTER 669.

Joint Resolution providing for Contingent Expenses of the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of six hundred dollars be and the same is hereby appropriated and made payable to William F. Causey, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

Appropriation for contingent fund.

Adopted at Dover, April 9, 1885.

CHAPTER 670.

Joint Resolution in relation to Marking the Position of Delaware Troops at the Battle of Gettysburg.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five, two members from the Senate and three from the House, be and is hereby appointed for the purpose of securing the ground occupied by the Delaware troops at and on the battlefield of Gettysburg, Pa., and marking said position with suitable enduring monuments, and in order to more perfectly and intelligently carry out the purpose of this joint resolution, said committee is authorized and instructed to select three of the survivors who were present at that battle from each the first and second regiments of Delaware Infantry Volunteers, to act with said committee

Joint committee appointed.

RESOLUTIONS.

and assist in determining and marking said positions correctly. That the sum of two thousand dollars be and is hereby appropriated to carry out the provisions of this joint resolution, to be paid by the State Treasurer out of any unexpended funds in the treasury not otherwise appropriated, upon warrants drawn upon him by the said joint committee, and the said committee shall keep and render to the next session of the General Assembly a correct and accurate account of their expenditures, together with the vouchers. Appropriation.

Adopted at Dover, April 9, 1885.

CHAPTER 671.

Joint Resolution authorizing the State Treasurer to pay to the Insurance Commissioner of the State of Delaware a certain sum of Money.

WHEREAS, pursuant to the authority of law in that behalf, the Insurance Commissioner of this State, lately deceased, collected from several insurance companies the sums of money payable by them respectively to defray the cost of publishing the yearly statement of their condition, which said sums of money amounted in the aggregate to the sum of \$233.20; and whereas the estate of the said deceased commissioner has a claim against the state for expenses connected with the administration of his said office, amounting to the sum of \$196.14; and whereas it is proper that the administrator of said deceased commissioner should apply the sum \$196.14 out of the said sum of \$233.20 towards the liquidation and payment of the aforesaid claim against the State, and pay the balance thereof, being \$37.06, to the present commissioner, and that the present commissioner should be furnished with the like amount of money from the State Treasurer for the said claim so paid, therefore Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the Insurance Commissioner of the State of Delaware the said sum of \$196.14, on his draft drawn therefor. State Treasurer authorized to pay certain moneys

Adopted at Dover, April 9, 1885.

RESOLUTIONS.

CHAPTER 672.

Joint Resolution in relation to Report of Insurance Commissioner.

Report to be
published.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Nathan Pratt, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound three hundred copies of the Insurance Report made to the present session of the General Assembly by the late Insurance Commissioner (Henry C. Douglass), and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all companies doing the business of insurance in this State for the year ending December 31, 1884, and tabular statements setting forth the assets, liabilities, income, expenditures and other information showing the business, condition and standing of said companies, also the insurance laws of this State as amended, which he is hereby required to incorporate in or add to the said insurance report before printing and publishing the same.

May con-
tract for
publication.

Resolved, That the Insurance Commissioner be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby authorized, upon the certificate of the said Insurance Commissioner that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for the payment of said printing and binding according to said contract.

Legislative
committee
to settle
with com-
missioner.

Resolved, That the committee appointed by this General Assembly to meet at Dover on the third Tuesday of January, 1866, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts, shall have full power and authority and they are hereby directed to audit the accounts of the said Insurance Commissioner for preparing copies of said annual statements and said tabular statements, and for superintending the printing of said insurance report, and shall make such allowance for said service as they may think just and proper, which said allowance shall be paid by the State Treasurer upon an order drawn by the chairman of said committee in favor of the said Insurance Commissioner.

Adopted at Dover, April 9, 1885.

RESOLUTIONS.

CHAPTER 673.

Joint Resolution for the State Treasurer to Rent and Insure the Jump Property.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and empowered to take in charge the Jump property and to rent the same to the best advantage, and the proceeds to go into the general fund and charge himself with the same, also to increase the fire insurance if he deem it necessary. State Treasurer to take charge of Jump property.

Adopted at Dover, April 14, 1885.

CHAPTER 674.

Joint Resolution in relation to the State Militia.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Treasurer of the State of Delaware be and he is hereby authorized and directed to pay to the Adjutant General of this State the sum of four hundred and eight dollars and thirty-nine cents, for the purpose of reimbursing that portion of the State Militia who attended the inauguration ceremonies at Washington on March 4, 1885, and the said Adjutant General is hereby directed to receive and disburse the same to the several organizations entitled thereto. State Treasurer to pay certain moneys.

Adopted at Dover, April 15, 1885.

CHAPTER 675.

Joint Resolution appropriating Three Hundred Dollars to the Delaware Society for the Prevention of Cruelty to Children.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay unto the State Treasurer to pay certain moneys.

RESOLUTIONS.

Treasurer of the Delaware Society for the Prevention of Cruelty to Children, in aid of the objects of the said society, the sum of three hundred dollars (\$300).

Adopted at Dover, April 16, 1885.

CHAPTER 676.

Joint Resolution in relation to the Resignation of Honorable Thomas F. Bayard.

Preamble. WHEREAS the Honorable Thomas F. Bayard has recently resigned his seat in the Senate of the United States to accept the position of Secretary of State of the United States, and has notified the General Assembly of such resignation and the reason thereof :

Opinion of
General
Assembly
expressed.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That this General Assembly desires to express to our late Senator its sense of his distinguished public services, of his eminent and useful career in the Senate of the United States, alike honorable to himself and the people of this State, and also of its hearty sympathy and confidence in his entry into a new field of responsibility, honor and national usefulness.

Adopted at Dover, April 17, 1885.

CHAPTER 677.

Joint Resolution returning Thanks to the several Railroad and Steamboat Companies.

Thanks of
General
Assembly
expressed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of this General Assembly are hereby tendered to the several railroad and steamship companies for passes donated to the members over their respective lines during this session.

Adopted at Dover, April 17, 1885.

RESOLUTIONS.

CHAPTER 678.

Joint Resolution in relation to Tax on Bank Shares.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Attorney General of the State of Delaware be and he is hereby authorized and directed to proceed, at the earliest practicable date, against the banks in this State that have refused to pay the tax on shares as required by the laws of this State, and in the event of the Attorney General requiring any assistance in complying with this request, the State Treasurer be and he is hereby authorized and directed to employ counsel and institute proceedings against said banks.

Attorney General authorized to collect taxes from banks.

Adopted at Dover, April 17, 1885.

CHAPTER 679.

Joint Resolution on State House Repairs.

WHEREAS the foul air arising from the cesspool under the State House permeates every part of the building, by reason of which the building has become unhealthy; and whereas much expense might be avoided in cleaning out the said cesspool by making proper connections with the town sewer through the sewer already extended by the county to the jail; therefore

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Andrew J. Wilson and Samuel D. Truitt, Librarian and Custodian of the State House, be and they are hereby authorized to have made the proper connections with the said sewer leading to the jail, upon such terms as may be agreed upon by them with the Levy Court of Kent County, or a committee appointed by said Levy Court, and to have proper water closets placed in said building (with self-acting traps), with proper connection with said sewer and the water pipes extended thereto. And that the said Andrew J. Wilson and Samuel D. Truitt are hereby authorized, with the approval

Commission appointed.

RESOLUTIONS.

of the Governor, to draft upon the State Treasurer for the amount of the expenses incurred under this resolution. The said water closet to be removed to the first floor of the building.

Adopted at Dover, April 17, 1885.

CHAPTER 680.

Joint Resolution in relation to Adjournment.

Resolution
rescinded.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the joint resolution adjourning both houses of this General Assembly sine die on the 10th inst., adopted at Dover, March 31st, 1885, be and the same is hereby rescinded.

Be it further resolved, That both houses adjourn sine die on the 17th day of April, 1885.

Adopted at Dover, April 17, 1885.

CHAPTER 681.

Joint Resolution to Increase Librarian's Salary.

Salary of State
Librarian.

Authority to
purchase
stationery
for General
Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the salary of the State Librarian be increased to five hundred and fifty dollars per annum, and in consideration of such increase of salary, it shall be the duty of the said State Librarian to purchase all the stationery for the use of the General Assembly, and to distribute the same from time to time during the session of the Legislature, without extra compensation for his services as heretofore in that behalf.

Adopted at Dover, April 17, 1885.

RESOLUTIONS.

CHAPTER 682.

Joint Resolution in regard to Heating the State House with Steam.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a ^{Committee for heating State House} committee of one on the part of the Senate and two on the part of the House be appointed, authorized and empowered to contract with the lowest bidder for heating the said State House with steam, said work to be finished by the fall of 1886; said work not to exceed the sum of two thousand dollars.

Adopted at Dover, April 17, 1885.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

... ..

1. The first of these is the fact that the
2. Government of the United States has
3. been unable to secure the cooperation
4. of the United States in the
5. execution of the plan. This is
6. due to the fact that the
7. Government of the United States
8. has been unable to secure the
9. cooperation of the United States
10. in the execution of the plan.

...and the ...

TITLES OF ACTS OF INCORPORATION

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

CHAPTER 683.

An Act to incorporate The Charles Warner Company.

Passed at Dover, January 20, 1885.

CHAPTER 684.

An Act to incorporate Nanticoke Tribe, No. 21, Improved Order of Red Men.

Passed at Dover, January 22, 1885.

CHAPTER 685.

An Act to re-enact and amend the act entitled "An Act to incorporate The C. H. Treat Manufacturing Company."

Passed at Dover, January 27, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 686.

An Act to incorporate Wissahickon Tribe, No. 20, Improved Order of Red Men.

Passed at Dover, January 28, 1885.

CHAPTER 687.

An Act to incorporate Andastaka Tribe, No. 14, Improved Order of Red Men, of Newport, Delaware.

Passed at Dover, February 3, 1885.

CHAPTER 688.

An Act to amend an act to incorporate The Pusey and Jones Company.

Passed at Dover, February 3, 1885.

CHAPTER 689.

An Act to incorporate The Delaware State Dental Society.

Passed at Dover, February 3, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 690.

An Act to renew the act to incorporate The Christiana River Improvement Company.

Passed at Dover, February 4, 1885.

CHAPTER 691.

An Act to amend an act entitled "An Act to incorporate The Delaware Fruit Exchange."

Passed at Dover, February 4, 1885.

CHAPTER 692.

An Act to incorporate The Rescue Hook and Ladder Company No. 1, of Camden, Delaware.

Passed at Dover, February 4, 1885.

CHAPTER 693.

An Act to incorporate The Ancient Order of Hibernians, Division No. 6, of the City of Wilmington, Delaware.

Passed at Dover, February 10, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 694.

An Act to incorporate Lenape Tribe, No. 6, Improved Order of Red Men, of Wilmington, Delaware.

Passed at Dover, February 12, 1885.

CHAPTER 695.

An Act to renew the act to incorporate The Home Loan Association.

Passed at Dover, February 19, 1885.

CHAPTER 696.

An Act to incorporate Manito Tribe, No. 18, Improved Order of Red Men.

Passed at Dover, February 19, 1885.

CHAPTER 697.

An Act to incorporate The Odessa Loan Association.

Passed at Dover, February 19, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 698.

An Act to incorporate The Wilmington Turngemcinde (Turner Society).

Passed at Dover, February 19, 1885.

CHAPTER 699.

An Act to incorporate Indian Hill Tribe, No. 19, Improved Order of Red Men.

Passed at Dover, February 19, 1885.

CHAPTER 700.

An Act to incorporate Hopockohacking Tribe, No. 17, Improved Order of Red Men.

Passed at Dover, February 24, 1885.

CHAPTER 701.

An Act to incorporate The Clayton Savings and Loan Association of Kent County, Delaware.

Passed at Dover, February 26, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 702.

An Act to incorporate The Very Reverend Patrick Reilly Beneficial Society of Wilmington, Delaware.

Passed at Dover, March 2, 1885.

CHAPTER 703.

An Act to amend the act entitled "An Act to incorporate The Mutual Loan Association of Middletown, Delaware," passed at Dover, February 26, 1873.

Passed at Dover, March 2, 1885.

CHAPTER 704.

An Act to re-enact the act entitled "An Act to incorporate the Mechanics' Loan Association of Wilmington."

Passed at Dover, March 12, 1885.

CHAPTER 705.

An Act to incorporate The Georgetown Building and Loan Association, of Georgetown, Delaware.

Passed at Dover, March 12, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 706.

An Act to incorporate The Sons and Daughters of the Good Samaritans.

Passed at Dover, March 13, 1885.

CHAPTER 707.

An Act to incorporate the Delaware Club Stables.

Passed at Dover, March 17, 1885.

CHAPTER 708.

An Act to incorporate General Thomas A. Smyth Post, No. 1, Grand Army of the Republic, of the Department of Delaware.

Passed at Dover, March 19, 1885.

CHAPTER 709.

An Act to incorporate The Diamond Fruit Company.

Passed at Dover, March 19, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 710.

An Act to incorporate The Delaware Field Club.

Passed at Dover, March 23, 1885.

CHAPTER 711.

An Act to incorporate The Dover Library.

Passed at Dover, March 24, 1885.

CHAPTER 712.

An Act to incorporate The Security Trust and Safe Deposit Company.

Passed at Dover, March 25, 1885.

CHAPTER 713.

An Act to incorporate The Magnolia Library Association.

Passed at Dover, March 25, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 714.

An Act for the renewal of the Charter of Hope Building and Loan Association, in the City of Wilmington.

Passed at Dover, March 26, 1885.

CHAPTER 715.

A Supplement to the act entitled "An Act to incorporate The Delaware and Chesapeake Tow Boat Company," passed at Dover, February 22, 1865.

Passed at Dover, March 26, 1885.

CHAPTER 716.

A Further Supplement to the act entitled "An Act to incorporate The Philadelphia, Delaware and Charleston Steamship Company," passed at Dover, February 24, 1871.

Passed at Dover, March 26, 1885.

CHAPTER 717.

An Act to incorporate the Seaford Shell Lime Company.

Passed at Dover, March 26, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 718.

An Act to incorporate The Citizens' Savings and Safe Deposit Company of Smyrna.

Passed at Dover, March 27, 1885.

CHAPTER 719.

An Act to incorporate The Shields Library Association, of the City of Wilmington, Delaware.

Passed at Dover, March 27, 1885.

CHAPTER 720.

A Further Supplement to an act entitled "An Act to incorporate The Diamond State Iron Company."

Passed at Dover, March 27, 1885.

CHAPTER 721.

An Act to incorporate The African Grand Commandery of the Order of Knight Templars in the State of Delaware.

Passed at Dover, March 27, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 722.

An Act to incorporate The Wilmington Oil and Leather Company.
Passed at Dover, March 31, 1885.

CHAPTER 723.

An Act to incorporate the Bay View Canning Company.
Passed at Dover, March 31, 1885.

CHAPTER 724.

An Act to incorporate The Delaware Fruit Packing Company.
Passed at Dover, March 31, 1885.

CHAPTER 725.

An Act to change the title of a religious corporation entitled "The African Methodist Episcopal Church," a corporation under the laws of the State of Delaware.
Passed at Dover, March 31, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 726.

An Act to incorporate The Bridgeville Conclave, No. 35, Improved Order of Heptasophs.

Passed at Dover, April 1, 1885.

CHAPTER 727.

An Act to incorporate The Morning Star Lodge, No. 10, Free Ancient Accepted Masons, of Laurel, Delaware.

Passed at Dover, April 1, 1885.

CHAPTER 728.

An Act to incorporate the Riverside Lumber Company.

Passed at Dover, April 1, 1885.

CHAPTER 729.

An Act incorporating The Kirkman Coach and Livery Company.

Passed at Dover, April 1, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 730.

An Act to incorporate Admiral S. F. DuPont Post, No. 2, Grand Army of the Republic, Department of Delaware.

Passed at Dover, April 1, 1885.

CHAPTER 731.

An Act to incorporate St. George's Castle, No. 3, Knights of the Golden Eagle, of the State of Delaware, in the City of Wilmington.

Passed at Dover, April 1, 1885.

CHAPTER 732.

An Act to revive and re-enact an act to incorporate The J. A. Cranston Company.

Passed at Dover, April 2, 1885.

CHAPTER 733.

An Act to incorporate West Brandywine Grange, No. 13, Patrons of Husbandry.

Passed at Dover, April 2, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 734.

An Act to revive an act entitled "An Act to incorporate Wicomico Tribe, No. 13, Improved Order of Red Men, of Delmar, Sussex County," passed at Dover, 1879.

Passed at Dover, April 2, 1885.

CHAPTER 735.

An Act to incorporate the Seaside Agricultural Association of Lewes.

Passed at Dover, April 2, 1885.

CHAPTER 736.

An Act to amend an act entitled "An Act to incorporate The River Front Land Improvement Company," passed February 6, 1883.

Passed at Dover, April 7, 1885.

CHAPTER 737.

An Act to incorporate Tuscarora Tribe, No. 22, Improved Order of Red Men.

Passed at Dover, April 7, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 738.

An Act entitled "An Act to incorporate The Ocean View Beach House Company, of Ocean View, Sussex County, Delaware."

Passed at Dover, April 7, 1885.

CHAPTER 739.

An Act to incorporate the Dover Brick Manufacturing Company.

Passed at Dover, April 7, 1885.

CHAPTER 740.

An Act to incorporate Sussex Encampment, No. 4, I. O. O. F., at Laurel, Delaware.

Passed at Dover, April 7, 1885.

CHAPTER 741.

An Act to incorporate The Popular Savings and Loan Association.

Passed at Dover, April 9, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 742.

An Act for the renewal of the Charter of the Franklin Loan Association, of the City of Wilmington.

Passed at Dover, April 9, 1885.

CHAPTER 743.

An Act to amend an act entitled "An Act to incorporate The Enoch Moore, Jr., Ship and Car Building Company."

Passed at Dover, April 9, 1885.

CHAPTER 744.

An Act supplementary to an act incorporating The Wilmington Navigation Company, of Wilmington.

Passed at Dover, April 10, 1885.

CHAPTER 745.

An Act to revive the act entitled "An Act to incorporate The Clayton Fruit and Basket Company," passed at Dover, March 23, 1883, and for other purposes.

Passed at Dover, April 10, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 746.

An Act to incorporate The Sussex Manufacturing Company.

Passed at Dover, April 10, 1885.

CHAPTER 747.

An Act to amend an act entitled "An Act to re-incorporate the members of the Fame Hose Company, of the City of Wilmington."

Passed at Dover, April 10, 1885.

CHAPTER 748.

An Act to incorporate The Sussex Glass and Manufacturing Company.

Passed at Dover, April 10, 1885.

CHAPTER 749.

An Act to incorporate The Wilmington Steam Heating Company.

Passed at Dover, April 15, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 750.

An Act to incorporate The Mutual Loan and Investment Company.

Passed at Dover, April 15, 1885.

CHAPTER 751.

An Act to amend an act entitled "An act to incorporate The Brooks Underground Conduit Company," passed at Dover, April 13, 1883.

Passed at Dover, April 15, 1885.

CHAPTER 752.

An Act to incorporate The Brandywine Granite Company.

Passed at Dover, April 15, 1885.

CHAPTER 753.

An Act to incorporate The Midland Grange Company, No. 27.

Passed at Dover, April 15, 1885.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 754.

An Act to incorporate The Wilmington Railway Supplies Company.

Passed at Dover, April 16, 1885.

CHAPTER 755.

An Act to incorporate St. Patrick's Beneficial Society, of Wilmington, Delaware.

Passed at Dover, April 16, 1885.

CHAPTER 756.

An Act to incorporate The Delaware Avenue Sewer Company.

Passed at Dover, April 17, 1885.

CHAPTER 757.

An Act to incorporate the Tenth Street Sewer Company.

Passed at Dover, April 17, 1885.

THE UNIVERSITY OF CHICAGO
LIBRARY

1973-1974

THE UNIVERSITY OF CHICAGO
LIBRARY

1973-1974

THE UNIVERSITY OF CHICAGO
LIBRARY

1973-1974

THE UNIVERSITY OF CHICAGO
LIBRARY

1973-1974

THE UNIVERSITY OF CHICAGO
LIBRARY

1973-1974

TITLES OF PRIVATE ACTS.

CHAPTER 758.

An Act to change the name of William Bush Lownsbury to William Bush.

Passed at Dover, February 5, 1885.

CHAPTER 759.

An Act to change the name of Aubertine Grant Spenser to Aubertine Grant.

Passed at Dover, March 10, 1885.

CHAPTER 760.

An Act to change the name of Sarah Ann Reed to the name of Sarah Ann Campbell, and to make her, by adoption, a daughter of William Campbell.

Passed at Dover, March 17, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 761.

An Act to change the name of Harold Gilbert Nailor to the name of Harold Gilbert Whitehouse, and to make him, by adoption, a son and heir-at-law of John C. Whitehouse.

Passed at Dover, March 17, 1885.

CHAPTER 762.

An Act to enable Ambrose P. Garrison to locate certain vacant land and salt marsh in Kent County, and complete his title to the same.

Passed at Dover, March 24, 1885.

CHAPTER 763.

An Act for the relief of Francis A. Tinley and Sarah E. Mansfield.

Passed at Dover, April 1, 1885.

CHAPTER 764.

An Act to change the name of Walter Townsend to Walter Johnson.

Passed at Dover, April 1, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 765.

An Act to enable Joseph H. McChesney to convey his real estate and make a good title thereto.

Passed at Dover, April 3, 1885.

CHAPTER 766.

An Act to change the name of Andrew Jackson Henry Nones to Henry Beauchamp Nones.

Passed at Dover, April 6, 1885.

CHAPTER 767.

An Act to change the name of Clara Whitford Snelling to the name of Clara Snelling James, and to make her, by adoption, a daughter and heir-at-law of Edward F. James and Louisa S. James, his wife.

Passed at Dover, April 6, 1885.

CHAPTER 768.

An Act to revive and continue in force for one year Chapter Six Hundred and Eighty-three, Volume Sixteen of the Laws of Delaware.

Passed at Dover, April 14, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 769.

An Act to change the name of Mary Morrison to the name of Mabel Hudson, and to make her, by adoption, a daughter and heir-at-law of John P. Hudson.

Passed at Dover, April 14, 1885.

CHAPTER 770.

An Act to authorize the Trustee under the will of Robert Hodgson, deceased, to sell and convey certain real estate.

Passed at Dover, April 16, 1885.

CHAPTER 771.

An Act to authorize the Trustees under the will of David C. Wilson, deceased, to sell certain real estate in New Castle County.

Passed at Dover, April 16, 1885.

CHAPTER 772.

An Act to divorce Anna Tharp from her husband, Samuel Tharp, and to change her name.

Passed at Dover, March 10, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 773.

An Act to divorce Marshall J. Newton from his wife, Abbie E. Newton.

Passed at Dover, March 10, 1885.

CHAPTER 774.

An Act to divorce Jeanette M. Chambers from her husband, Harry Wilson Chambers, from the bonds of matrimony.

Passed at Dover, March 11, 1885.

CHAPTER 775.

An Act to divorce Rene J. Fongeray and Sarah F. Fongeray from the bonds of matrimony.

Passed at Dover, March 24, 1885.

CHAPTER 776.

An Act to divorce Mary E. Walson from her husband, David E. Walson, and to give to Mary E. Walson the custody of her two children.

Passed at Dover, March 26, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 777.

An Act to divorce Mary E. Quintero from her husband, Raphael R. Quintero, and to change her name.

Passed at Dover, April 2, 1885.

CHAPTER 778.

An Act to divorce Charles L. Squires and Susie E., his wife, *a vinculo matrimonii*.

Passed at Dover, April 2, 1885.

CHAPTER 779.

An Act to divorce Annie W. Smith from her husband, Job Smith, and for other purposes.

Passed at Dover, April 7, 1885.

CHAPTER 780.

An Act to divorce Ida C. Bucksen from her husband, Edwin E. Bucksen, and to change her name.

Passed at Dover, April 7, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 781.

An Act to divorce Robert E. Morris and Ann Elizabeth, his wife, *a vinculo matrimonii*.
Passed at Dover, April 8, 1885.

CHAPTER 782.

An Act for the relief of Fanny W. Anderson, and for other purposes.
Passed at Dover, April 8, 1885.

CHAPTER 783.

An Act divorcing Sarah T. Crowding and Jacob V. Crowding, her husband, from the bonds of matrimony.
Passed at Dover, April 8, 1885.

CHAPTER 784.

An Act to divorce T. Leslie Carpenter from his wife, Alice W. Carpenter.
Passed at Dover, April 9, 1885.

TITLES OF PRIVATE ACTS.

CHAPTER 785.

An Act to divorce Henry Paisley and his wife, Caroline H. Paisley, from the bonds of matrimony.

Passed at Dover, April 9, 1885.

CHAPTER 786.

An Act to divorce William Morgan and Elizabeth, his wife, from the bonds of matrimony.

Passed at Dover, April 9, 1885.

CHAPTER 787.

An Act to divorce John Charles Jacob Spoerl and Christine Mather Spoerl, his wife, *a vinculo matrimonii*.

Passed at Dover, April 9, 1885.

CHAPTER 788.

An Act to divorce Lizzie Patterson and David Patterson, her husband, from the bonds of matrimony.

Passed at Dover, April 10, 1885.

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CHAPTER 789.

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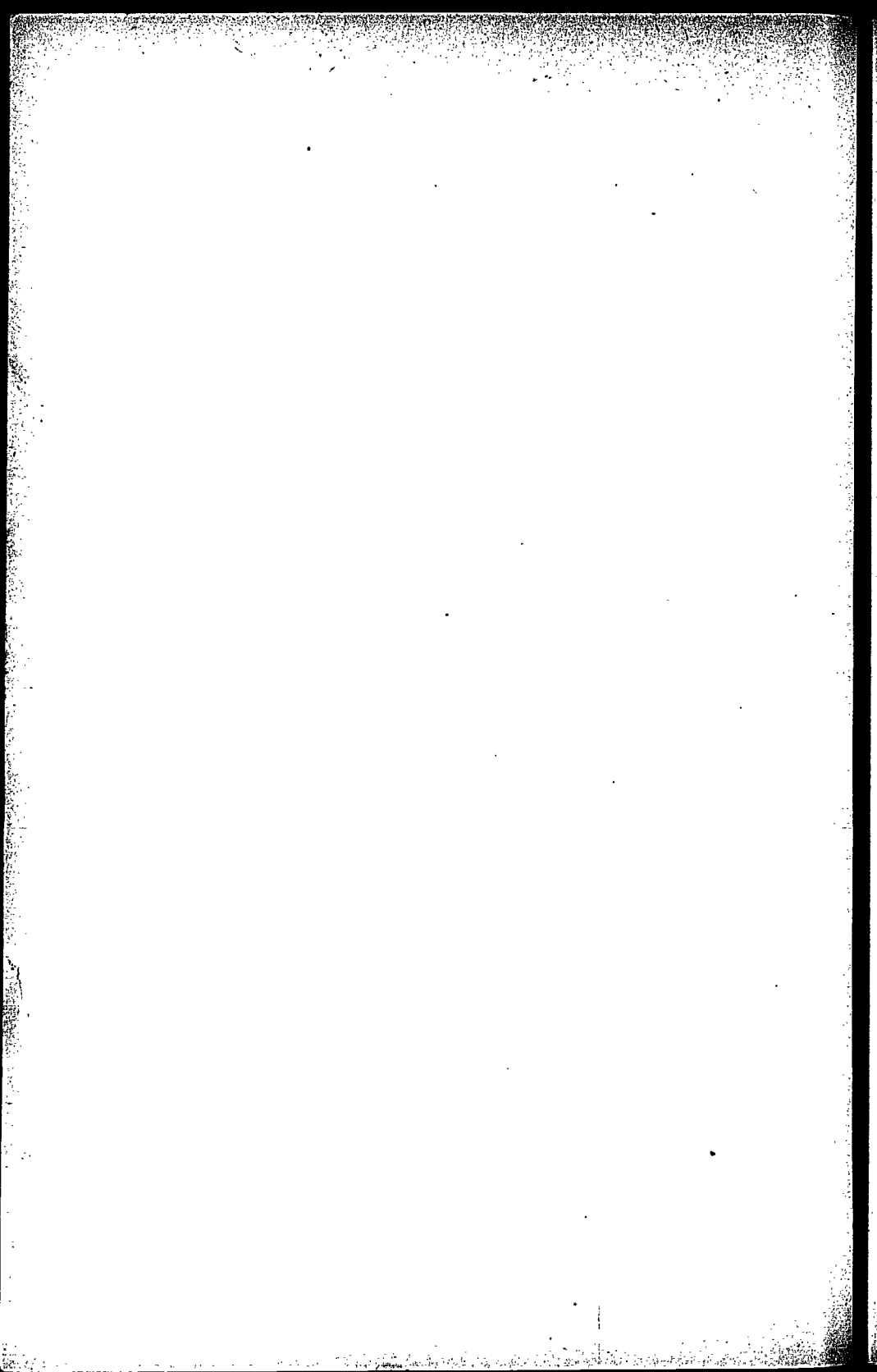
OFFICE OF SECRETARY OF STATE,

DOVER, July 1, 1885.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday, the sixth day of January, A. D. 1885.

WILLIAM F. CAUSEY,

Secretary of State.



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